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ABSTRACT

The state law applicable to Maryland community colleges and the code of regulations governing those colleges are presented in this report. Part I presents Title 16 of the annotated code of Maryland which applies to the state's community colleges. This provision includes five sub-titles which cover: (1) the establishment, composition, officers, staff, powers, and duties of the State Board for Community Colleges; (2) the organization and governance of community colleges, including the role and powers of trustees and presidents; (3) the governance and finance of regional community colleges; (4) fiscal matters including state and county support for the colleges, student tuition and fees, and college budgets; and (5) county provisions for specific community colleges. Part II highlights the code of Maryland Regulations Title 13C which presents general policies adopted by the State Board for Community Colleges. These include general regulations governing admissions, finances, continuing education, facilities, boards of trustees, foundations, tuition, student residency policy, and retirement programs; and policies for board meetings and board officers. (HB)

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ANNOTATED CODE OF MARYLAND

EDUCATION ARTICLE

TITLE 16

COMMUNITY COLLEGES

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CODE OF MARYLAND REGULATIONS

TITLE 13C

STATE BOARD FOR COMMUNITY COLLEGES

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JC 830 466

Prepared by
Maryland State Board for Community Colleges
July 1983

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PREFACE

For many years the State Board for Community Colleges has distributed copies of the State law applicable to Maryland community colleges. The community college statute is codified currently as Title 16, Education Article, Annotated Code of Maryland.

In addition to the law, community colleges are affected directly by the General Policies of the State Board for Community Colleges, which form a part of the Code of Maryland Regulations. This year for the first time, the State Board for Community Colleges is reprinting both the law and the regulations in a single document.

This publication has been developed to increase access to information about the statutory and regulatory basis for Maryland community colleges. The material is current as of the date of publication.

James D. Tschechtelin
Executive Director

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ANNOTATED CODE OF MARYLAND

EDUCATION ARTICLE

TITLE 16

COMMUNITY COLLEGES

1978 Edition and 1983 Supplement

Established by Chapter 22 of the 1978 Acts of the General Assembly. Inclusive of all amendments subsequently enacted by the General Assembly and approved by the Governor up to and through the 1983 regular session. Effective on and after July 1, 1983.

ANNOTATED CODE OF MARYLAND

EDUCATION.

DIVISION I.

Definitions; General Provisions.

Title 1. - Definitions; General Provisions.

DIVISION II.

Elementary and Secondary Education.

Title 2. - State Department of Education

Title 3. - Establishment of County Boards of Education.

Title 4. - Local School Administration.

Title 5. - Financing.

Title 6. - Teachers and Other Personnel.

Title 7. - Public Schools.

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Title 10. - [Reserved.]

DIVISION III.

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Title 11. - General Provisions.

Title 12. - State Board for Higher Education.

Title 13. - Independent State Universities.

Title 14. - Board of Trustees of State Universities and Colleges.

Title 15. - St. Mary's College.

Title 16. - Community Colleges.

Title 17. - Financial Aid to Institutions of Higher Education.

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Title 19. - [Reserved.]

Title 20. - [Reserved.]

DIVISION IV.

Other Education Provisions.

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Title 22. - Educational Services for Correctional Institutions and Hospitals.

Title 23. - Libraries.

Title 24. - Miscellaneous Education Agencies.

Title 25. - Educational Compacts.

Title 26. - Prohibitions and Penalties.

EXPLANATORY NOTE: The above outline presents the entire contents of the Education Article of the Annotated Code of Maryland, inclusive of all amendments enacted and signed by the Governor. The Education Article itself was developed by the Commission to Revise the Annotated Code and enacted as Chapter 22 of the Acts of the General Assembly of 1978. The Article combines all education-related State laws formerly contained in Articles 77, 77A, and elsewhere in the Code.

The remainder of this document presents the provisions of Title 16 only.

TITLE 16

COMMUNITY COLLEGES

Subtitle 1. State Board for Community Colleges

Section

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16-102. Composition; term; vacancies.
16-103. Officers; meetings.
16-104. Powers and duties of Board.
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16-301. Applicability of title to regional community colleges.
16-302. Regional community colleges.
16-303. Allocation among counties of support of regional community college.

Subtitle 4. Fiscal Matters

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ANNOTATED CODE OF MARYLAND

EDUCATION ARTICLE

TITLE 16

COMMUNITY COLLEGES

SUBTITLE 1. STATE BOARD FOR COMMUNITY COLLEGES.

§ 16-101. BOARD ESTABLISHED.

There is a State Board for Community Colleges.

§ 16-102. COMPOSITION; TERM; VACANCIES.

(a) Composition.

The State Board for Community Colleges consists of eight (8) members appointed by the Governor with the advice and consent of the Senate.

(b) Qualifications.

(1) Each of the members shall be a resident of this State.

(2) Seven (7) of the members shall be individuals who are known for their interest in civic and public affairs and their knowledge and perception in educational matters.

(3) One (1) of the members shall be a student in good standing at a community college in this State who has the qualifications required to be student body president at that community college. In making this appointment, the Governor shall consider the recommendations of the community college presidents.

(c) Term and Vacancies.

(1) Except for the student member, each member serves for a term of six (6) years and until a successor is appointed and qualifies. These terms are staggered as required by the terms of the members serving on the Board as of July 1, 1978.

(2) The student member serves for a term of one (1) year beginning on July 1.

(3) A member may be reappointed.

(4) A member appointed to fill a vacancy in an unexpired term serves only for the remainder of that term and until a successor is appointed and qualifies.

§ 16-103. OFFICERS; MEETINGS.

(a) Officers.

Each year the State Board for Community Colleges shall elect from among its members;

(1) A chairman; and

(2) Any other officer it requires.

(b) Meetings.

The Board shall determine the time and place of its meetings and may adopt rules for the conduct of its meetings.

§ 16-104. POWERS AND DUTIES OF BOARD.

(a) In General.

In addition to the other powers granted and duties imposed by this title, and subject to the provisions of Title 12 of this Article, the State Board for Community Colleges has the powers and duties set forth in this section.

(b) General Policies.

The Board has full statewide responsibility for the community colleges and shall establish general policies for their operation.

(c) Information and Accounting System.

The Board shall establish and maintain a system of information and accounting for community college activities.

(d) Financial Assistance to Community Colleges.

The Board shall:

(1) Provide grants-in-aid for the planning of new community colleges and new programs in existing community colleges;

(2) Administer the program of State support for the community colleges;

(3) Assist and represent the community colleges in seeking and administering federal money available to them.

(e) Assistance to State Board for Higher Education.

The State Board for Community Colleges shall assist the State Board for Higher Education in performing its duties as they relate to community colleges.

(f) Capital Programs.

(1) In this subsection "community college" includes the Carroll County Branch Campus of the Catonsville Community College established under the authority granted by § 16-203(l) of this Title.

(2) The State Board for Community Colleges shall administer the general public junior or community college and regional community college construction program in accordance with procedures adopted by the Board of Public Works.

(g) Establishment of Community Colleges.

The Board shall recommend, review, and advise on any proposal for the establishment of a new community college.

(h) Curriculum.

The Board shall recommend, review, and advise on curriculum proposals for each new community college and on any proposed major addition to or modification of programs in any existing community college.

(i) Coordination with Colleges; Designation of Program as Statewide or Regional.

(1) The Board shall coordinate relationships among the community colleges to:

(i) Assure the widest possible educational opportunities for students in this State;

(ii) Facilitate the transfer of students between the community colleges and the University of Maryland, the State universities and colleges, and other institutions of higher education; and

(iii) Assure the most efficient use of State money.

(2) The Board may:

Designate any community college instructional program as a statewide or regional program.

(j) Coordination with Schools.

The Board shall coordinate relationships between the community colleges, the State and county public school systems, and the private high schools to:

(1) Facilitate cooperation among them in the guidance and admission of students to the community colleges; and

(2) Arrange for the most advantageous use of facilities.

(k) Studies.

The Board shall study the problems of community college education.

(l) Advice.

The Board shall assist the community colleges individually or collectively by providing expert professional advice in all areas of their activities.

(m) Report to General Assembly.

Subject to Article 40, § 51 of the Code, the Board shall report annually to the General Assembly on its activities and the activities of the community colleges.

§ 16-105. STAFF OF BOARD.

(a) Executive Director.

The State Board for Community Colleges may employ a full-time executive director to carry out its day-to-day functions under the control of the Board.

(b) Additional Staff.

The Board may employ the additional staff necessary to carry out its function as provided in the State budget.

(c) Compensation.

Each employee of the Board is entitled to the compensation provided in the State budget.

(d) Membership in Retirement System.

Each employee of the Board shall join the State Employees' Retirement System. However, as an alternative, any employee in a position determined by the State Board for Community Colleges to be a professional position may join the Teachers' Retirement System or an optional retirement program under Article 73B of the Code.

SUBTITLE 2. ORGANIZATION AND GOVERNMENT OF COMMUNITY COLLEGES

§ 16-201. BOARD OF COMMUNITY COLLEGE TRUSTEES.

(a) Established in Counties with Community Colleges.

There is a board of community college trustees in each county that has one (1) or more community colleges.

(b) Establishment in Counties without Community Colleges.

(1) The governing body of any county that does not have a community college may request permission to establish one from the State Board for Higher Education and the State Board for Community Colleges.

(2) On recommendation of these boards, the Governor shall appoint a board of community college trustees for that county.

(c) Composition.

Except as provided in Subtitle 5 of this title, each board is comprised of seven (7) members appointed by the Governor, with the advice and consent of the Senate.

(d) Term and Vacancies.

(1) Except as provided in Subtitle 5 of this title, each member serves for a term of six (6) years from July 1 of the year the appointment is made and until a successor is appointed and qualifies. These terms are staggered, and of the initial appointments to a board, five (5) shall be for terms of one (1) to five (5) years respectively, and two (2) shall be for terms of six (6) years.

(2) A member appointed to fill a vacancy in an unexpired term serves only for the remainder of that term and until a successor is appointed and qualifies.

(3) A member may be reappointed.

§ 16-202. OFFICERS; MEETINGS.

(a) Officers.

Each board of trustees:

(1) Shall elect one (1) of its members as its chairman;

(2) Shall choose the president of one (1) of the county community colleges to serve as secretary-treasurer of the board; and

(3) May elect any other officer it requires.

(b) Meetings.

Each board shall determine the time and place of its meetings and may adopt rules for the conduct of its meetings.

§ 16-203. POWERS OF BOARD OF TRUSTEES.

(a) In General.

In addition to the other powers granted and duties imposed by this title, and subject to the authority of the State Board for Higher Education and the State Board for Community Colleges, each board of community college trustees has the powers and duties set forth in this section.

(b) Establishment and Operation.

With the approval of the State Board for Higher Education, on recommendation of the State Board for Community Colleges, each board of trustees may establish and operate one or more community colleges.

(c) General Control; Rules and Regulations.

Each board of trustees shall exercise general control over the community college, keep separate records and minutes, and adopt reasonable rules, regulations, or bylaws to carry out the provisions of this subtitle.

(d) Salaries and Tenure.

Each board of trustees may fix the salaries and tenure of the president, faculty, and other employees of the community college.

(e) Acquisition of Property.

Each board of trustees may purchase, lease, condemn, or otherwise acquire any property it considers necessary for the operation of the community college.

(f) Disposition of Property.

(1) Each board of trustees may sell, lease, or otherwise dispose of community college assets or property.

(2) The president of the community college and the chairman of the board of trustees may execute a conveyance or other legal document under an appropriate resolution of the board.

(g) Cooperative Use of Facilities with Board of Education.

Each board of trustees may:

(1) With the approval of the State Board for Community Colleges, permit the county board of education to use the lands, buildings, or other facilities of the community college; and

(2) With the approval of the county board of education, use any land, buildings, assets, or other facilities of the county board of education.

(h) Gifts and Grants.

Each board of trustees may apply for and accept any gift or grant from the federal government or any other person.

(i) Entrance Requirements; Curriculum.

Subject to the minimum standards of the State Board for Community Colleges, each board of trustees may determine entrance requirements and approve offerings that consist of:

(1) Transfer programs offering the equivalent of the first two (2) years of a bachelor's degree program;

(2) Career programs offering technical, vocational, and semiprofessional education; and

(3) Continuing education programs.

(j) Student Fees.

Each board of trustees may charge students reasonable tuition and fees set by it with a view to making college education available to all qualified individuals at low cost.

(k) Suits.

Each board of trustees may sue and be sued.

(l) Agreements.

Each board of trustees may make agreements with the federal government or any other person, including agreements between counties to support a regional community college, if the board considers the agreement advisable for the establishment or operation of the community college.

(m) Name.

Each board of trustees shall be styled "The Board of Trustees of ..... Community (or Junior) College."

(n) Seal.

Each board of trustees may adopt a corporate seal.

S 16-204. PRESIDENT.

(a) Appointment.

Each board of trustees shall appoint a president of each community college under its jurisdiction.

(b) Duties.

The president:

(1) Shall report directly to the board of trustees;

(2) Shall recommend the appointment by the board of qualified faculty members and other employees necessary for the efficient administration of the community college;

(3) Shall recommend the discharge of employees for good cause; however, any employee with tenure shall be given reasonable notice of the grounds for dismissal and an opportunity to be heard;

(4) Is responsible for the conduct of the community college and for the administration and supervision of its departments; and

(5) Shall attend all meetings of the board, except those involving his personal position as president.

S 16-205. WAIVER OF TUITION FOR CERTAIN STUDENTS.

(a) Employees.

Any full-time classified employee of a community college who enrolls, during his nonworking hours, in any class at the community college that has at least ten (10) regularly enrolled students:

(1) Is exempt from payment of tuition; and

(2) May not be counted in computing full-time equivalent enrollment at the community college under S 16-403 of this title.

(b) Persons 60 Years Old or Older or Retired and Disabled.

Any resident of this State who is sixty (60) years old or older, or who is retired and disabled as defined by the Social Security or Railroad Retirement Act, and who enrolls in any class, which is eligible under § 14-403 of this title for State support, at the community college:

(1) Shall be exempt from payment of tuition; and

(2) Shall be counted in computing full-time equivalent enrollment under § 16-403 of this title if enrolled in any class that is eligible for State support.

(c) Additional Free Educational Opportunities for Senior Citizens.

Subsection (b) does not prohibit a community college board of trustees from offering senior citizens other educational opportunities free of charge, provided that the senior citizen is not counted in computing full-time equivalent enrollment for the purpose of receiving State support.

§ 16-206. COMPREHENSIVE LIABILITY INSURANCE; DEFENSE OF SOVEREIGN IMMUNITY.

(a) Comprehensive Liability Insurance.

Each board of trustees may carry comprehensive liability insurance to protect the board, its agents and employees, and the agents and employees of any community college under its jurisdiction. The purchase of the insurance is for an educational purpose and is a valid educational expense.

(b) Standards for Policies; Coverage.

The State Board for Community Colleges may adopt standards for the policies, including a minimum liability coverage which may not be less than $100,000 per occurrence. Any policy purchased after the adoption of these standards shall conform to them.

(c) Self-Insurance; Minimum Coverage.

Each board of trustees complies with this section if it is self-insured, for at least $100,000 and not more than $500,000 per occurrence, under the rules and regulations of the State Insurance Commissioner.

(d) Defense of Sovereign Immunity.

This section does not prevent any board of trustees, on its own behalf, from raising the defense of sovereign immunity to any amount of a claim in excess of the limit of an insurance policy or in excess of $100,000 in the case of self-insurance.

SUBTITLE 3. REGIONAL COMMUNITY COLLEGES

§ 16-301. APPLICABILITY OF TITLE TO REGIONAL COMMUNITY COLLEGES.

The provisions of this title apply to any regional community college, unless the context requires otherwise.

§ 16-302. REGIONAL COMMUNITY COLLEGES.

(a) Establishment.

(1) Two (2) or more counties may agree to establish a region and to support a regional community college.

(2) Subject to the authority of the State Board for Higher Education, after the counties agree, the State Board for Community Colleges may authorize a regional community college for the region.

(b) "Board of Trustees" Defined; Composition.

(1) In this subsection, "county board of community college trustees" means:

(i) The board of community college trustees, if any; or

(ii) The county board of education in any county that does not have a board of community college trustees.

(2) Except as otherwise provided in this subsection, the county boards of community college trustees for each county in a region constitute the board of regional community college trustees.

(3) If the counties in a region have different numbers of members on their county board of community college trustees each county board of community college trustees shall elect to serve as regional community college trustees the number of its members equal to the number of members on the smallest board of community college trustees in the region.

(4) A board of regional community college trustees:

(i) May not have more than twelve (12) members; and

(ii) Shall have an equal number of members from each county in the region.

(5) If requested to do so by a county government, the Governor shall appoint the regional community college trustees from that county.

(6) The county superintendent of each county in the region is, ex officio, a member of the board of regional community college trustees, and shall attend meetings but may not vote.

(7) Each board of regional community college trustees shall:

(i) Elect one (1) of its members as its chairman;

(ii) Designate the president of the regional community college as its secretary-treasurer; and

(iii) Determine the time and place of its meetings and may adopt rules for the conduct of its meetings.

(c) Selection of Board by Governor.

Any board of regional community college trustees established under subsection (b) of this section may request the Governor to appoint a new board.

(d) Appointment.

(1) After a request is made, the Governor, with the advice and consent of the Senate, shall appoint seven (7) individuals to the new board.

(2) The initial members shall be appointed as provided in § 16-201 of this title.

§ 16-303. ALLOCATION AMONG COUNTIES OF SUPPORT OF REGIONAL COMMUNITY COLLEGE.

(a) Appropriation for Current Expenses.

The State Board for Community Colleges shall determine and certify the amount that each county that supports a regional community college shall pay as its share of the "county share" required by § 16-403 of this title. The amount shall be determined by applying to the total county

share the ratio that the number of full-time equivalent students from the county who attend the regional community college bears to the total number of full-time students who attend the regional community college from all counties that support the regional community college.

(b) Borrowing.

Each county that supports a regional community college shall bear as its share of any borrowing for the regional community college the amount that results from applying to the total amount of the borrowing the ratio that the county's population, as determined by the Department of Health and Mental Hygiene, bears to the total population of all the counties that support the regional community college.

SUBTITLE 4. FISCAL MATTERS

§ 16-401. BUDGET.

(a) Preparation.

Each year, the board of trustees and the president of the community college shall prepare and submit to the county governing body or, in the case of a regional community college, the county governing body of each county that supports the regional community college:

(1) An operating budget;

(2) A capital budget; and

(3) If required by local law, charter, or regulation, a long-term capital improvement program.

(b) Contents of Operating Budget.

The operating budget shall show:

(1) All revenues estimated for the next fiscal year classified by funds and sources of income, including:

(i) Any funds from federal, State, and local sources; and

(ii) Any surpluses.

(2) All expenditures requested, including the major functions listed under § 16-402 (b); and

(3) Any other information or supporting data required by the county governing body.

(c) Contents of Capital Budget.

The capital budget and any long-term capital improvement program shall contain a statement of all capital revenues and expenditures.

(d) Consideration of Budgets.

The capital and operating budgets shall be prepared and considered in accordance with county fiscal procedures not inconsistent with State law.

(e) Action by County Governing Body--Community Colleges.

The county governing body shall review and approve the budget of the community college and may reduce it.

(f) Action by County Governing Body--Regional Community College.

(1) The county governing bodies of the counties that support a regional community college jointly shall review the budget of the regional community college and may reduce it.

(2) Approval of the budget by a majority of the counties that support a regional community college constitutes approval of the budget and binds all the counties.

(g) Submissions to State Agencies.

(1) The budget of each community college, as approved by the county governing body under this section, shall be submitted to the State Board for Community Colleges for informational purposes. This budget shall include a personnel detail.

(2) Proposals for capital projects shall be submitted to the State Board for Higher Education through the State Board for Community Colleges.

§ 16-402. POWERS OF COUNTY GOVERNMENT.

(a) Power to Appropriate.

Each county governing body may appropriate money to pay the cost of establishing and operating a community college or regional community college.

(b) Subject of Appropriations.

The county governing body shall make appropriations for the following major functions:

(1) General administration;

(2) General institutional expenses;

(3) Instruction;

(4) Student affairs;

(5) Instructional resources;

(6) Plant operation and maintenance;

(7) Capital outlay; and

(8) Debt service.

(c) Transfer of Appropriations among Functions.

(1) A community college may not spend more on any major function than the amount appropriated for it.

(2) (i) Transfers of appropriations between major functions shall be submitted in writing and approved by the county governing body before they are made, and if the county governing body fails to act on a request for a transfer within thirty (30) days, the request automatically is approved as requested; and

(ii) Except in Baltimore City, where the provisions of the city charter govern, transfers of appropriations within a major function may be made at the direction of the board of trustees and the county governing body shall be notified within thirty (30) days of the transfer.

(d) Borrowing.

Each county governing body may borrow money to purchase land and construct capital improvements for a community college. Money may be borrowed on terms and conditions the county governing body considers proper, subject to any requirements of local law applicable to the creation of public debt.

(e) Reserve Fund for Maintenance and Repair; Baltimore City and Anne Arundel County excepted.

(1) Except in Baltimore City and Anne Arundel County, where the provisions of the appropriate charter govern, each county governing body may appropriate money to establish a reserve fund for future plant maintenance and repair at a community college.

(2) If a reserve fund for future plant maintenance and repair is established, it shall be treated as an additional major function for the purposes of this section.

(3) Expenditures from the reserve fund for maintenance and repair may not be made unless approved in the same manner as the budget of the community college is approved.

(4) Funds appropriated under this subsection may not be considered "current expenses" for purposes of § 16-403 (b) (2) of this subtitle.

§ 16-403. STATE, COUNTY, AND STUDENT SUPPORT OF COMMUNITY COLLEGE CURRENT EXPENSES.

(a) Definitions.

(1) In this section the following words have the meanings indicated.

(2) "County share" means the minimum amount of money to be provided each year to a community college by the county that supports the community college or, in the case of a regional community college, the total amount of money to be provided each year to the regional community college by all counties that support the regional community college.

(3) "Population" means population as determined by the 1970 census.

(4) "State share" means the amount of money to be provided each year to a community college by the State.

(b) Computations.

(1) In this section, the following computations shall be made in the manner indicated.

(2) "Current expenses" is the product of the per student operating cost of the community college for the current fiscal year multiplied by the number of full-time equivalent students enrolled at the community college in the current fiscal year.

(3) "Full-time equivalent students" is the quotient of the number of student credit hours produced in the fiscal year divided by 30.

(c) State Share.

(1) Except as otherwise provided in this subsection, the State share is 50 percent of the current expenses of each community college, but not more than $878 per full-time equivalent student.

(2) The State share is 55 percent of the current expenses, but not more than $1,384 per full-time equivalent student for:

(i) Any community college with less than 500 full-time equivalent students if the county in which the community college is located has a population of less than 50,000; and

(ii) Any regional community college if the counties that support the regional community college have a combined population of less than 150,000.

(3) The State share is 55 percent of the current expenses for Cecil Community College, Garrett Community College, Chesapeake College, and Wor-Wic Tech Community College, but not more than $1,619 per full-time equivalent student.

(4) Except for Cecil Community College, Garrett Community College, Chesapeake College, and Wor-Wic Tech Community College, the State shall grant to

each board of trustees for community colleges in this State:

(i) A flat grant of $200,000; and

(ii) $10 per part-time credit student enrolled in the respective community college.

(d) County Share.

(1) Except as otherwise provided in this subsection, the county share is 28 percent of the current expenses.

(2) The county share is 32 percent of current expenses for Cecil Community College, Garrett Community College, and Chesapeake College.

(3) Any county, or the counties that support a regional community college, may pay more than its share of the current expenses.

(e) Student Share.

(1) Except as otherwise provided in this subsection, the students at each community college shall pay, through tuition and fees, at least 22 percent of current expenses.

(2) The students shall pay, through tuition and fees, 17 percent of current expenses at:

(i) Any community college with less than 500 full-time equivalent students if the county in which the community college is located has a population of less than 50,000; and

(ii) Any regional community college if the counties that support the regional community college have a combined population of less than 150,000.

(3) The students, through tuition and fees, shall pay 13 percent of current expenses at Cecil Community College, Garrett Community College, and Chesapeake College.

(4) This subsection does not prohibit a county or regional board of trustees from requiring students at the community college to pay more than their share of the current expenses.

§ 16-404. COMPUTATION OF STATE AID TO COMMUNITY COLLEGES.

(a) In General.

The annual total State appropriation for the current expenses of all community colleges shall be developed in accordance with this section.

(b) Estimate of Enrollment.

(1) Each year the State Board for Community Colleges shall prepare a systemwide projection of total full-time equivalent enrollment at the community colleges in this State.

(2) This projection shall be prepared in consultation with the State Board for Higher Education and each community college and with the concurrence of the Department of Budget and Fiscal Planning.

(3) The projection shall be approved by the State Board for Community Colleges.

(c) Computation of State Share.

(1) The State Board for Community Colleges shall convert the projection of full-time equivalent enrollment into a budget request using the formula in § 16-403 of this subtitle and submit it to the Governor on or before October 10 of each year. The Governor shall include the budget request in the State budget for the next fiscal year.

(2) The budget request submitted to the Governor under paragraph (1) of this subsection is final. However, on or before February 10, the State Board for Community Colleges may request additional funds to be included in any supplemental budget.

§ 16-405. PAYMENT OF STATE SHARE.

(a) Certification to State Comptroller.

Each year the State Board for Community Colleges shall certify to the State Comptroller:

(1) On or before July 31 and November 30 one-fourth of the amount it estimates to be the State share under § 16-403 of this subtitle for each community college;

(2) On or before March 31 one-half of the amount it estimates to be the State share under § 16-403 of this subtitle for each community college;

(3) On or before June 30 of each year, the amount necessary to bring the July, November, and March payments into balance with the actual enrollments and costs per student of each community college; and

(4) After the annual audit of each community college, any discrepancy between the payments made and the actual State share under § 16-403 of this subtitle for the preceding fiscal year, which shall be compensated for in the November payment.

(b) Payment.

Within five (5) days after he receives a certification from the State Board for Community Colleges, the State Comptroller shall draw a warrant on the State Treasurer for the amount due each community college. The State Treasurer immediately shall pay the amount due to the board of trustees of the community college.

§ 16-406. PAYMENT OF COUNTY SHARE.

(a) Certification to County Treasurer.

The State Board for Community Colleges shall certify to the treasurer of each county:

(1) On or before September 30 and March 31 of each year, one-half of the amount it estimates to be the county's share under § 16-403 of this subtitle; and

(2) After the annual audit of each community college, any discrepancy between the payments made and the actual amount of the county's share under § 16-403 of this subtitle for the preceding fiscal year, which shall be compensated for during the fiscal year.

(b) Payment.

Within five (5) days after it receives a certification from the State Board for Community Colleges, the county shall pay the amount due to the board of trustees of the community colleges.

§ 16-407. TUITION AND FEES FOR NONRESIDENT STUDENTS.

(a) Out-of-State Students; West Virginia Students at Garrett Community College.

(1) Subject to paragraph (2) of this subsection, any student who attends a community college in this State and is not a resident of this State shall pay, in addition to the student tuition and fees payable by a county resident, an out-of-state fee, equal to the State share and the county share per full-time equivalent student as determined under § 16-403 of this subtitle.

(2) A resident of the State of West Virginia who attends Garrett Community College under a negotiated reciprocity agreement between the states of Maryland and West Virginia is an in-county resident for tuition purposes and shall be counted as an in-state resident for computation of the State aid to community colleges in accordance with § 16-403 of this subtitle. The State Board for Community Colleges may make payments to effectuate the provisions of this paragraph from funds specifically appropriated for this purpose as provided in the State budget or any supplemental budget request.

(b) Out-of-County or Out-of-Region Students.

Any student who attends a community college not supported by his county shall pay, in addition to the student tuition and fees payable by a resident of a county that supports the community college, an out-of-county or out-of-region fee equal to the county share per full-time equivalent student as determined under § 16-403 of this subtitle.

(c) Power of County to Appropriate.

Any county may appropriate money to pay the out-of-county or out-of-region fees for county residents who attend a community college in this State that is not supported by that county.

(d) Students Enrolled in Statewide or Regional Programs.

(1) Notwithstanding subsection (b) of this section, if any student is a resident of this State and enrolls in an instructional program that the State Board for Community Colleges designates as a statewide or regional program, the student shall pay only the student tuition and fees payable by a resident of a county that supports the community college and the State Board for Community Colleges shall pay any applicable out-of-county fee.

(2) The State Board for Community Colleges may make payments to effectuate the provisions of this section from funds specifically approporiated for this purpose as provided in the State budget or any supplemental budget request.

§ 16-408. BIDS AND CONTRACTS.

(a) Application of Section.

(1) Except as provided in paragraph (2) of this subsection, this section applies to every contract for any building, improvement, equipment, or supplies that will cost more than $7,500.

(2) This section does not apply to:

(i) The purchase of books or other materials for instruction;

(ii) Emergency repairs; or

(iii) Any contract or purchase made by a county for a community college under procedures authorized by the county charter or an act of the General Assembly.

(b) Advertisement.

(1) The board of trustees, at least two (2) weeks before bids are to be filed, shall advertise for bids in at least one (1) newspaper published in the county.

(2) The board of trustees may name in the specifications and advertisements for bids the particular make, kind, or brand of article to be contracted for or purchased.

(c) Contract.

(1) The contract shall be awarded to the lowest responsible bidder, who conforms to the specifications, with consideration given to:

(i) The quantities involved;

(ii) The time required for delivery;

(iii) The purpose for which required;

(iv) The competence and responsibility of the bidder; and

(v) The ability of the bidder to perform the contract satisfactorily.

(2) The board of trustees may reject any and all bids and readvertise for other bids.

(d) Violation of Section.

A contract entered into or purchase made in violation of this section is void.

§ 16-409. AUDITS.

(a) Adoption of Guidelines.

The State Board for Community Colleges shall adopt guidelines for financial record keeping and the preparation of annual audit reports by the community colleges. The community colleges shall comply with the guidelines of the State Board.

(b) Compliance with Guidelines.

Each community college in the State shall have an annual audit of its books of accounts, accounting procedures and principles, and other fiscal and operational methods and procedures in accordance with guidelines as prescribed by the State Board for Community Colleges. A copy of the audit report, together with the related management letter, shall be submitted to the State Board for Community Colleges and the Legislative Auditor within ninety (90) days of the close of each fiscal year. The State Board for Community Colleges shall ascertain that the community colleges are audited in accordance with this section.

(c) Recommendations in Audit Report.

If a community college establishes to the satisfaction of the State Board for Community Colleges that a recommendation in an audit report or related management letter should not be implemented, the Board shall notify the Legislative Auditor of the reasons for not implementing the recommendation. With due notice to the community college with the concurrence of the State Board for Higher Education, the Board may direct the State Comptroller to withhold aid payments due a college under this Article upon failure of that college to implement any audit recommendation the Board deems appropriate.

(d) Annual Audit by Legislative Auditor.

The Legislative Auditor may upon his own initiative perform the required annual audits. However, notification of such intent must be given to each affected community college before the start of the fiscal year to be audited.

(e) Special Audits.

The Legislative Auditor may be directed to undertake special audits of any community college by the Joint Budget and Audit Committee at State expense.

(f) Local Government Auditors.

An audit performed by an official auditor of any county or Baltimore City approved by the State Board for Community Colleges with the concurrence of the Legislative Auditor shall satisfy the annual audit requirement if it otherwise meets the requirements of this section.

(g) Cost of Annual Audit.

The cost of the annual audit required by this section is the responsibility of the community college.

(h) Report of Audit.

Each year the Legislative Auditor shall submit a report to the Joint Budget and Audit Committee, the State Board for Community Colleges, and the Director of the State Department of Fiscal Services, on the results of the annual and special community college audits.

(i) Audit of Community College.

Nothing contained in this section may be construed to prohibit a periodic or special audit by an official auditor of any county providing funds for a community college.

§ 16-410 SICK PAY.

Remuneration of an employee on account of sickness or accident of the employee shall be paid and treated as sick pay and not as continuation of salary.

SUBTITLE 5. COUNTY PROVISIONS

§ 16-501. ANNE ARUNDEL COUNTY--BOARD OF TRUSTEES.

(a) Composition.

The board of community college trustees for Anne Arundel County consists of eight (8) members appointed by the Governor, with the advice and consent of the Senate.

(b) Student Member.

(1) One (1) of the members shall be a regularly enrolled student in good standing at Anne Arundel Community College.

(2) The student member shall:

(i) Be a resident of Anne Arundel County;

(ii) Be nominated in the manner determined by the student body of Anne Arundel Community College;

(iii) Have the qualifications required to be student body president of Anne Arundel Community College; and

(iv) Serve for a term of one (1) year, beginning July 1 and ending on June 30.

§ 16-502. BALTIMORE CITY--BOARD OF TRUSTEES.

The board of community college trustees for Baltimore City shall be appointed by the mayor and council of Baltimore.

§ 16-503. BALTIMORE COUNTY--BOARD OF TRUSTEES.

The board of community college trustees for Baltimore County consists of nine (9) members appointed by the Governor, with the advice and consent of the Senate. Of the members:

(1) One (1) serves at large; and

(2) Eight (8) serve from the eight (8) legislative districts in Baltimore County, one (1) from each district.

§ 16-504. BALTIMORE COUNTY--COLLECTIVE BARGAINING.

(a) In General.

The board of community college trustees for Baltimore County shall:

(1) Establish an orderly procedure for the classified employees of the county community colleges and their representatives to participate in the formulation of labor relations and personnel policies; and

(2) Recognize the right of classified employees to organize and bargain collectively through representatives of their own choosing.

(b) Rules and Regulations.

The board of trustees shall adopt rules and regulations that specify with respect to classified employees:

(1) The manner of establishing appropriate collective bargaining units and of designating exclusive bargaining representatives;

(2) The rights of the employer, the employees, and the exclusive bargaining representative;

(3) The procedure for negotiating a collective bargaining agreement with respect to wages, hours, and working conditions and the manner for resolving an impasse;

(4) The right of the exclusive bargaining representative to a checkoff of union dues;

(5) The designation of unfair labor practices and remedies for them;

(6) The definition of a grievance and the procedure for resolving grievances, which may include binding arbitration of grievances; and

(7) Any other matter necessary to carry out the purposes of this section.

(c) No Right to Strike.

This section does not authorize a strike by any classified employees.

(d) Expiration of Section.

The authority granted by this section, and any procedures, decisions, actions, or agreements made under it, shall expire if a general law on collective bargaining applicable to community colleges becomes effective.

§ 16-505. CHARLES COUNTY--BOARD OF TRUSTEES.

(a) Composition.

The board of community college trustees for Charles County consists of seven (7) members appointed by the Governor with the advice and consent of the Senate. Of the members:

(1) Each shall be a resident of Charles County; and

(2) At least five (5) shall have completed sixty (60) semester hours of accredited college work.

(b) Members of Board of Education.

A member of the Charles County board of education may not serve concurrently on the board of community college trustees.

(c) Compensation.

Each member of the board is entitled to $600 a year for expenses.

§ 16-506. HEARINGS IN CHARLES COUNTY.

(a) Hearing Examiner.

The board of community college trustees for Charles County may:

(1) Appoint an individual, other than the attorney to the board, as hearing examiner; and

(2) Adopt rules governing proceedings before the hearing examiner.

(b) Duties of Hearing Examiner.

The hearing examiner:

(1) May hold an initial hearing on any matter brought before the board of trustees; and

(2) Shall submit to the board and to the parties findings of fact and conclusions of law, a transcript of the proceedings, and exhibits.

(c) Consideration of Board.

The board of trustees shall:

(1) Hear arguments, if requested by a party; and

(2) After considering the arguments and the record, decide the matter.

(d) Appeal.

The decision of the board of trustees may not be appealed.

§ 16-507. CHESAPEAKE COLLEGE--BOARD OF TRUSTEES.

(a) Composition.

(1) The board of trustees of Chesapeake College consists of two (2) members from each county that supports Chesapeake College who shall be appointed by the Governor, with the advice and consent of the House of Delegates.

(2) The county superintendents of schools in the region are not ex officio members.

(b) Term of Office.

Each member serves for a term of four (4) years.

(c) Compensation.

Each member of the board:

(1) Serves without compensation; and

(2) Is entitled to reimbursement for expenses in accordance with applicable travel regulations.

§ 16-508. FREDERICK COUNTY--BOARD OF TRUSTEES.

(a) Composition.

The board of community college trustees for Frederick County consists of seven (7) members. Of the members:

(1) Each shall be a resident of Frederick County; and

(2) Each shall be appointed by the Governor, with the advice and consent of the Senate, for a term of five (5) years.

(b) Two Term Limit.

(1) A member of the board of community college trustees may not serve more than two (2) consecutive five-year terms.

(2) A member of the Frederick County board of education may not serve on the board of community college trustees.

(c) Compensation.

Each member of the board is entitled to $500 a year for expenses.

§ 16-509. HARFORD COUNTY--BOARD OF TRUSTEES.

(a) Composition.

The board of community college trustees for Harford County consists of seven (7) members. Of the members:

(1) Each shall be a resident of Harford County.

(2) Five (5) shall be appointed by the Governor for terms of five (5) years; and

(3) Two (2) shall be appointed by the Harford County board of education from among its members for terms of one (1) year.

(b) Two Term Limit.

A member of the board appointed by the Governor may not serve for more than two (2) consecutive five-year terms.

§ 16-510. MONTGOMERY COUNTY--BOARD OF TRUSTEES.

(a) Composition.

The board of community college trustees for Montgomery County consists of eight (8) members appointed by the Governor from nominees submitted by the nominating committee. Except for the student member, the members are appointed with the advice and consent of the Senate.

(b) Term of Office and Qualifications of Student Member.

One (1) of the members shall be an enrolled student in good standing at Montgomery Community College. The student member:

(1) Shall be a resident of Montgomery County;

(2) May not be employed by Montgomery Community College; and

(3) Serves for a term of one (1) year, beginning July 1 and ending on June 30.

(c) Nominating Committee.

(1) The nominating committee consists of five (5) members. Of the members:

(i) Two (2) shall be appointed by the county council;

(ii) Two (2) shall be appointed by the county executive; and

(iii) One (1) shall be appointed by the Montgomery Community College Alumni Association.

(2) Each member of the nominating committee:

(i) Shall be a resident of and a registered voter in Montgomery County;

(ii) Shall have a knowledge of and an interest in postsecondary education;

(iii) Shall have demonstrated an active interest in civic affairs;

(iv) May not be an officer of this State, Montgomery County, or any municipal corporation in Montgomery County or any of their agencies; and

(v) May not be an officer of, employed by, or subject to the authority of Montgomery Community College.

(3) (i) Each member of the nominating committee serves for a term of two (2) years from September 15 of the year of his appointment and until a successor is appointed and qualifies. These terms are staggered as required by the terms of the members serving on the board as of July 1, 1978.

(ii) A member appointed to fill a vacancy in an unexpired term is appointed by the body that appointed his predecessor and serves only for the remainder of that term and until a successor is appointed and qualifies.

(4) (i) Each year the nominating committee shall elect one (1) of its members as its chairman.

(ii) The committee may elect any other officer it requires.

(iii) The committee may determine the place of its meetings and adopt rules for the conduct of its meetings.

(d) Procedure for Nomination.

(1) The nominating committee shall:

(i) Notify the public of each vacancy on the board of community college trustees;

(ii) Obtain recommendations from the faculty and students of the community college and from other interested persons; and

(iii) Accept applications.

(2) The committee shall submit to the Governor the names of at least two (2) but not more than four (4) of the candidates selected by the committee:

(i) On or before December 25 of the year before the term of a nonstudent member expires;

(ii) On or before April 25 of each year the term of a student member expires; and

(iii) When any other vacancy occurs.

(e) Assistance to Committee.

The State Board for Community Colleges shall provide assistance to the nominating committee.

§ 16-510.1 MONTGOMERY COUNTY--PUBLIC EMPLOYMENT RELATIONS.

(a) Definitions.

(1) In this section the following words have the meanings indicated.

(2) "Agreement" means a written contract between the public employer and an employee organization.

(3) "Arbitration" means a procedure whereby parties involved in a grievance dispute submit their differences to an impartial third party for a final and binding decision.

(4) "Collective bargaining" means the performance by the certified employee organization through its designated representative, and the public employer, of their mutual obligations to meet at reasonable times and to negotiate in good faith with respect to wages, hours, and other terms and conditions of employment, or the negotiation of an agreement, or any questions arising under an agreement, and the execution of various agreements incorporating the terms agreed upon by both parties. In the performance of this obligation neither party shall be compelled to agree to a proposal, or be required to make a concession to the other.

(5) "Commissioner" means the State Commissioner of Labor and Industry or his designee.

(6) "Confidential employee" means a public employee whose unrestricted access to personnel, budgetary or fiscal data subject to use by the public employer in

collective bargaining or whose close, continuing working relationship with those responsible for negotiating on behalf of the public employer would make his membership in an employee organization as a rank and file employee incompatible with his duties.

(7) "Employee organization" means any organization of public employees which has as one of its primary purposes representing such employees in collective bargaining.

(8) "Exclusive representative" means an employee organization which has been certified by the commissioner as representing the employees of the bargaining unit.

(9) "Fact-finding" means identification of the major issues in a particular impasse, review of the positions of the parties and resolution of factual differences by an impartial individual or panel, and the making of recommendations for settlement of the impasse.

(10) "Grievance" means a dispute concerning the application or interpretation of the terms of an agreement.

(11) "Impasse" means failure of the public employer and an exclusive representative to achieve agreement in the course of collective bargaining.

(12) "Mediation" means assistance by an impartial third party to reconcile a dispute arising out of collective bargaining through interpretation, suggestion, and advice.

(13) "Professional employee" means a public employee whose work is predominantly nonroutine and intellectual in character and who is employed to teach or render professional services at least equivalent to twelve (12) semester hours per semester.

(14) "Public employee" means an employee employed by the public employer except:

(i) Employees involved directly in the determination of policy:

(ii) Supervisory or confidential employees; and

(iii) Student assistants.

(15) "Public employer" means the board of trustees of Montgomery Community College.

(16) "Strike" means a public employee's refusal, in concerted action with others, to report for duty, or willfull absence from the position, or stoppage of work, or abstinence in whole or in part from the proper performance of the duties of employment, for the purpose of inducing, influencing, or coercing a change in the wages, hours, or other terms and conditions of employment.

(17) "Supervisory employee" means a public employee having authority in the interest of the employer: (i) to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees; or (ii) to direct employees responsibly; or (iii) to adjust employee grievances; or (iv) to recommend effectively the action, set forth in subparagraphs (i), (ii), or (iii) of this paragraph, if the exercise of this authority is not merely of a routine or clerical nature, but requires the exercise of independent judgment. Department chairmen may not be considered supervisory employees for the purposes of this section, unless the department chairmen clearly perform the functions in this paragraph.

(b) Determination whether Employee is to be Considered Public Employee.

The public employer shall determine whether a public employee is to be considered a public employee for collective bargaining purposes. Either party or an employee organization may appeal the determination to the commissioner for a final and binding decision.

(c) Investigation of Petition for Election; Hearing; Order Defining most Appropriate Bargaining Unit.

Upon receipt of a petition for an election for exclusive representative, the commissioner shall investigate the petition for purposes of verification and validation, and conduct a public hearing, receive written and oral testimony, and thereafter file an order defining the most appropriate

bargaining unit. There shall be no more than two professional units. In defining a bargaining unit, the commissioner shall consider, in addition to other relevant factors, the efficiency of operations of the public employer, the effect of over-fragmentation of bargaining units of the efficient administration of the public employer, the community of interest of public employees, and the administrative structure of the public employer. The commissioner may not find any unit appropriate that includes both professional and nonprofessional employees unless a majority of each group votes for inclusion therein.

(d) Election.

(1) After October 1, 1978, an election for exclusive representative shall be conducted by the commissioner for each unit after the requirements of subsection (b) and subsection (c) of this section have been met by that unit.

(2) A petition for an election may be submitted by:

(i) An employee organization demonstrating that 30 percent of the employees in a bargaining unit wish to be represented for collective bargaining by an exclusive representative;

(ii) A public employee, a group of public employees, or an employee organization demonstrating that 30 percent of the employees assert the designated exclusive representative is no longer the representative of the majority of employees in the unit; or

(iii) The public employer demonstrating that one or more employee organizations has presented to it a claim, supported by substantial proof, to be certified as the exclusive representative, and the commissioner finds, on investigation of the petition, that a valid question of representation exists.

(3) There shall be on the ballot:

(i) The name or names of the employee organization submitting the valid petition;

(ii) The name of any other employee organization or organizations designated on a valid petition signed by more than 10 percent of the employees in the appropriate bargaining unit;

(iii) A provision for "no representation."

(4) In any election where none of the choices on the ballot receives a majority of the votes cast, a run-off election shall be conducted, with the ballot providing for a selection between the two choices receiving the highest number of ballots cast in the election. An employee organization receiving a majority of votes cast in an election shall be certified by the commissioner as the exclusive representative for collective bargaining purposes. An employee organization may not be certified as an exclusive representative, except pursuant to the provisions of this section.

(5) All elections shall be conducted (1) by secret ballot and (2) by the commissioner or his designee.

(6) Elections may not be conducted in any unit within which a valid election has been held within the preceding two (2) years.

(e) Rights and Duties of Employee Organizations Certified as Exclusive Representative.

(1) The public employer shall extend to an employee organization certified as exclusive representative the right to represent the public employees of the unit involved in collective bargaining and in the settlement of grievances.

(2) An employee organization certified as the exclusive representative shall serve as the bargaining agent for all public employees in the bargaining unit. The organization shall represent fairly and without discrimination all public employees in the unit without regard to whether the employees are members of the employee organization.

(3) Every employee organization which has or seeks certification as an exclusive representative shall file with the public employer and the commissioner, a copy of the employee organization's constitution and bylaws. All changes and amendments to the constitution and bylaws shall be promptly reported.

(4) Every employee organization shall file with the public employer and the commissioner an annual report. It shall include a financial report signed by its president and treasurer or corresponding principal officers containing information in such detail as necessary accurately to disclose its financial condition and operations.

(5) The constitution or bylaws of every employee organization shall provide that:

(i) It shall include a pledge that the organization will accept members without regard to age, race, sex, religion, marital status, or national origin.

(ii) Accurate accounts of all income and expenses be kept, and an annual financial report be prepared. The accounts shall be open for inspection by any member of the organization, and loans to officers and agents shall be made only on terms and conditions available to all members;

(iii) Periodic elections by secret ballot be subject to recognized safeguards concerning the equal right of all members to nominate, seek office, and vote in the elections;

(iv) Individual members have the right to participate in the affairs of the organization; and

(v) Procedures in disciplinary actions are fair and equitable.

(6) An employee organization that has not filed an annual report or whose constitution and bylaws do not conform to the requirements of subsection (e) (5) may not be or remain certified for the purpose of negotiating with the public employer.

(f) Conclusion of Negotiations Prior to Budget Submission Date; Fact-Finding; Strikes.

(1) It is declared to be in the public interest that, in the course of collective bargaining, the public employer and the exclusive representative make every reasonable effort to conclude negotiations prior to the budget submission date of the public employer, in order that the appropriate legislative body may act on the operating budget of the employer.

(2) (i) If in the course of collective bargaining a party deems that an impasse exists, that party may request the services of the commissioner in mediation or engage another mutually agreed upon mediator.

(ii) The parties by mutual agreement may engage in fact finding. If there is not mutual agreement, either party, after a reasonable period of mediation, may petition the commissioner to initiate fact finding. The commissioner upon considering the status of bargaining and the budget schedule of the public employer may find that an impasse exists, and may notify the parties that fact finding is to be initiated. The public employer and the exclusive representative may select their own fact finder. If the parties have not selected their own fact finder within five (5) days of the required notification, the commissioner shall submit to the parties the names of five (5) qualified persons. Each party alternately shall strike two (2) names from the list. The order of striking shall be determined by lot. The remaining individual shall be the fact finder. The fact finder selected by the parties shall conduct hearings and may administer oaths. The fact finder shall make written findings of fact and recommendations for resolution of the impasse. No later than thirty (30) days from the date of appointment the fact finder shall transmit the findings to the public employer and the exclusive representative. If the impasse continues ten (10) days after the report is submitted to the parties, the report shall be made available to the public.

(iii) Costs of fact finding shall be borne equally by the parties.

(3) Public employees may not engage in a strike.

(4) If a strike of public employees occurs in Montgomery County, a court of competent jurisdiction may, upon request of the public employer, enjoin the strike.

(5) A public employee may not receive pay or compensation from the public employer for any period during which the public employee is engaged in a strike.

(6) If an employee organization certified as an exclusive representative engages in a strike, its certification as exclusive representative shall be revoked by the commissioner, and that employee organization or any other employee organization which engages in a strike shall be ineligible to be certified as an exclusive representative for a period of one (1) year following the end of the strike.

(g) Collective Bargaining Agreement.

(1) A written agreement shall be executed by the public employer and the exclusive representative incorporating any matters of agreement reached on wages, hours, and other terms and conditions of employment.

(2) A collective bargaining agreement may include a provision for the arbitration of grievances arising under an agreement.

(3) A collective bargaining agreement may not include matters relating to the employees' or teachers' retirement systems as set forth in the Annotated Code of Maryland. However, this provision does not exclude discussion of the terms of the retirement systems in the course of collective bargaining.

(4) The terms of the agreement shall supersede any conflicting rules, regulations, and administrative policies of the public employer.

(5) Any request for funds necessary to implement the agreement shall be submitted by the public employer in a timely fashion for consideration in the budget process of the county.

(6) If the request for funds necessary to implement the agreement is reduced, modified, or rejected by the governing body of Montgomery County either party to the agreement may, no later than twenty (20) days after final budget action by the governing body, reopen the agreement.

(h) Rights of Public Employer.

The public employer has the right (1) to determine how the statutory mandate and goals of the college, including but not limited to the functions and programs of the college, its overall budget and its organizational structure, are to be carried out; and (2) to direct the personnel.

(i) Rights of Public Employees.

(1) Public employees have the right of self-organization to form, join, or assist any employee organization, to bargain collectively through representatives they have chosen, and to engage in other lawful concerted activities for the purpose of collective bargaining and also shall have the right to refrain from any or all of these activities.

(2) Any public employee or group of public employees has the right at any time to present grievances arising under the terms of the agreement to the public employer and to have the grievances adjusted without the intervention of the exclusive representative. The public employer has the duty to hear those grievances and participate in their adjustment. However, the adjustment may not be inconsistent with the terms of a collective bargaining agreement then in effect. The public employer shall give prompt notice of all adjustments to the exclusive representative.

(3) The public employer and a public employee organization shall not interfere with, intimidate, restrain, coerce, or discriminate against public employees because of the exercise of their rights under subsection (1) and (2) hereof.

(j) Effect of Subsequent Public General Law on Collective Bargaining.

The authority granted by this section, any procedures adopted and any decision, action, or agreements made pursuant to it shall expire should a subsequent public general law on collective bargaining generally applicable to the community colleges become effective.

(k) Application of Articles 89 and 100.

Except as provided in this section, the enactment of this section shall not be construed to make the provisions of the Maryland labor laws contained in Article 89 and Article 100 applicable to employment at Montgomery Community College.

§ 16-511. SITE SELECTION IN MONTGOMERY COUNTY.

(a) Request; Specifications.

(1) Before it acquires any real property for a community college, the board of community college trustees for Montgomery County shall make a written request to the commission or agency responsible for county land use planning for that commission's confidential recommendations of appropriate sites.

(2) In its request, the board of trustees may request the commission to consider any sites the board designates.

(3) The commission shall recommend sites that:

(i) Meet the college's needs;

(ii) Comply with State regulations; and

(iii) Conform as far as practical with the land use plans of the county.

(b) Recommendations of Commission.

(1) Within forty-five (45) days after it receives a request from the board of trustees, the commission shall send its written recommendations for sites to the board of trustees.

(2) If the board is unable to agree on a site from among the commission's recommendations, the board shall advise the county council in writing of this fact and the council may request that the commission reconsider the matter and resubmit recommendations for action by the board.

(c) Submission to County Council.

(1) The board of trustees shall select a preferred site and rank the other sites recommended by the commission in the order of their suitability and submit its ranking to the county council. The board may specify certain sites as unsuitable.

(2) The county council shall approve or disapprove the board's selection within forty-five (45) days. If the county council disapproves the preferred site:

(i) The county council shall indicate in writing its reasons; and

(ii) The board shall select a different site from the ranking and resubmit it to the county council.

(d) Acquisition of Site.

If the county council approves a site, the board may proceed with acquisition as provided by law.

§ 16-512. PRINCE GEORGE'S COUNTY--BOARD OF TRUSTEES.

(a) Composition.

The board of community college trustees for Prince George's County consists of eight (8) members.

(b) Selection; Qualifications; Term.

(1) Seven (7) of the members shall be appointed by the Governor with the advice and consent of the Senate.

(2) One (1) of the members shall be a regularly enrolled student in good standing at Prince George's Community College. The student member shall:

(i) Be a resident of Prince George's County;

(ii) Be elected by the student body of the community college in the same manner as other student government officers are elected;

(iii) Have the qualifications required to be student body president of Prince George's Community College; and

(iv) Serve for a term of one (1) year beginning July 1 and ending June 30 and if a vacancy occurs during this period, a special election shall be held to elect a successor for the remainder of that term.

(c) Cost of Election of Student Member.

The cost of any election shall be paid by the student government.

§ 16-513. LEASE OF PROPERTY TO PRIVATE PERSONS IN PRINCE GEORGE'S COUNTY.

(a) In General.

Except for rentals of property under impartial policies that establish fees for various classes of renters, the board of trustees of Prince George's Community College may not lease any property to any private person unless it complies with this section.

(b) Advertisement.

(1) The board of trustees shall advertise at least two (2) weeks before the bids are due in one (1) or more newspapers published in Prince George's County.

(c) Award of Lease.

The lease shall be awarded to the highest responsible bidder and conform to any qualifications set by the board of trustees.

§ 16-514. SCHOLARSHIPS IN PRINCE GEORGE'S COUNTY.

(a) Established.

There is a program of county scholarships for not more than 200 students at Prince George's Community College.

(b) Basis of Award.

The county scholarships shall be awarded by the community college on the basis of:

(1) Academic merit; and

(2) Financial need.

(c) Amount of Award.

Each scholarship shall pay for tuition for one (1) year.

(d) Funding.

Each year the Prince George's county executive shall include money for the county scholarships in the county budget.

§ 16-515 ASSENT TO CAPITAL BUDGET OF WOR-WIC TECH COMMUNITY COLLEGE.

Notwithstanding the provisions of § 16-401 (f), before any capital budget request made by Wor-Wic Tech Community College is effective all of the counties that support that college shall give their written assent to the capital budget.

Prepared by
Maryland State Board for Community Colleges
July 1983

CODE OF MARYLAND REGULATIONS

TITLE 13C

STATE BOARD FOR COMMUNITY COLLEGES

Administrative regulations of State agencies in Maryland are compiled and edited by the Division of State Documents. The compilation of regulations comprise the Code of Maryland Regulations (COMAR). COMAR is supplemented by changes published in the *Maryland Register*, which is issued every two weeks.

Title 13 of COMAR contains education regulations. Title 13C represents regulations (general policies) adopted by the State Board for Community Colleges.

On the following pages are reprinted the text of COMAR Title 13C, as contained in Supplement No. 2. This contains all regulations effective on or before December 31, 1982. Regulations adopted after this date have not yet been integrated into the COMAR volume. In these cases, the appropriate pages from the *Maryland Register* also have been reproduced, beginning on page 82.

CODE OF MARYLAND REGULATIONS

Title 13C
STATE BOARD FOR COMMUNITY COLLEGES

16 Francis Street
Annapolis, Maryland 21401

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STATE BOARD FOR COMMUNITY COLLEGES

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Title 13C
STATE BOARD FOR COMMUNITY COLLEGES

Subtitle 01 GENERAL POLICIES

Chapter 01 General Regulations

Authority: Education Article, §16-104, Annotated Code of Maryland

.01 Coordination, Standards, and Data Submission.

A. The State Board for Community Colleges shall serve as the operational point of contact with regard to all State-level matters involving community colleges.

B. The State Board for Community Colleges shall publish annually a State Plan for Community Colleges which shall guide State-level decision-making relative to proposed new instructional programs, capital development, and State finance of community college operating costs.

C. In regard to degree or certificate programs, each community college shall adhere to the Minimum Requirements for Degree-Granting 2-Year Colleges adopted by the State Board for Higher Education and as amended from time to time.

D. Each community college shall act in accordance with requirements of the Maryland Plan for Completing the Desegregation of the Public Postsecondary Education Institutions in the State, and with applicable State and federal laws and regulations relating to equal opportunity.

E. Collection of Data.

(1) Each community college shall submit data in a form and in accordance with a schedule prescribed by the State Board for Community Colleges.

(2) The State Board for Community Colleges shall coordinate data requests with the State Board for Higher Education and other agencies in order to consolidate requests and reduce the amount of data required.

(3) Each data request of the State Board for Community Colleges shall state the need for data in order to reflect clearly the basic problem or issue being addressed.

(4) The State Board for Community Colleges shall make reasonable efforts to furnish a brief summary of the aggregate data within 6 months of receipt of the data.

(5) Except for emergency circumstances, the State Board for Community Colleges may not change existing forms or institute new forms without providing adequate time for modifications to data collection systems.

.02 Admission and Transfer of Students.

A. Admission to a community college shall be open to:

(1) All high school graduates;

(2) Holders of high school equivalency certificates or equivalency diplomas;

(3) A person 16 years old or older who has graduated from or left elementary or secondary school.

B. Students shall be admitted to a community college, although not necessarily to a specific program selected by a student.

C. A community college may serve high school junior and senior year students in accordance with policies established by the board of trustees in coordination with the county board of education.

D. Each community college shall adhere to the Student Transfer Policies established for public institutions by the State Board for Higher Education.

.03 Community College Degree and Certificate Programs.

A. Each community college shall develop and submit proposals for new instructional programs in a format and in accordance with a schedule prescribed by the Board and contained in the Maryland Community College Program Proposal Manual. Proposals shall be reviewed by the staff and submitted to the Board with a staff recommendation for Board action. If endorsed by the Board, the proposal shall be transmitted to the State Board for Higher Education for approval, and the proposal may not be implemented without prior approval of the State Board for Higher Education. The Board will provide its comments, if any, to the college president, with a copy to the chairman of the board of trustees.

B. Each community college shall develop and submit proposals for designation of instructional programs as "regional" or "Statewide" programs in a manner prescribed by the Board and contained in the

Maryland Community College Program Proposal Manual. Proposals shall be reviewed by the staff and submitted to the Board with a staff recommendation for Board action.

C. Each community college shall develop and submit proposals for the discontinuance of existing instructional programs in a manner prescribed by the Board. Proposals shall be reviewed by the staff and submitted to the Board with a staff recommendation for Board action. If endorsed by the Board, the proposal shall be transmitted to the State Board for Higher Education for approval, and a program may not be discontinued without prior approval of the State Board for Higher Education.

D. Each community college shall perform qualitative assessments of instructional programs identified by the Board through quantitative assessment as specified in the Maryland Community College Program Evaluation System. A community college may evaluate other instructional programs as it deems appropriate.

E. A community college may not offer upper division programs leading to baccalaureate or higher degrees.

F. Each community college shall develop and maintain on open file a general outline and set of objectives for each course offered.

.04 Community College Finance.

A. The State Board for Community Colleges shall annually submit its operating and capital budget requests in accordance with procedures prescribed by the Board and contained in the Financial Guidelines and Procedures Manual, and the Community College Facilities Manual, respectively.

B. Each community college shall prepare its annual operating budget in accordance with law and with procedures prescribed by the Board in its Financial Guidelines and Procedures Manual. A copy of the approved budget shall be submitted to the State Board for Community Colleges by July 1.

C. Auditing Guidelines. Each college shall submit annually a signed financial and enrollment audit in accordance with auditing guidelines adopted by the Board, as follows:

(1) Legal Basis for the Audit.

(a) Title 16, §409 of the Education Article of the Annotated Code of Maryland provides that each community college in the State shall have an annual audit of "... its book of accounts, accounting

procedures, and principles, and other fiscal and operational methods and procedures in accordance with guidelines as prescribed by the State Board for Community Colleges." The audit is to be conducted by an independent certified public accountant, and the cost of the audit shall be the responsibility of each community college.

(b) An annual audit performed by an official auditor of any county or Baltimore City shall satisfy the annual audit requirement if it otherwise meets the requirements of the statutes and these guidelines and if the official auditor is approved by the State Board for Community Colleges with the concurrence of the Legislative Auditor. These guidelines do not prohibit an official auditor of any county or city which supports a community college from conducting a periodic or special audit necessary to fulfill the audit requirements of a county or city.

(c) The Legislative Auditor of Maryland may perform the required annual audits. However, the Legislative Auditor shall give notice of his intent to perform the annual audit of any community college before the start of the fiscal year to be audited. The cost of this audit is the responsibility of each community college.

(d) The Legislative Auditor of Maryland may be directed to undertake special audits of any community college by the Joint Budget and Audit Committee of the General Assembly. These audits will be conducted at State expense.

(2) Selection of the Independent Certified Public Accountant.

(a) The selection of the independent certified public accountant who will conduct the audit is the responsibility of the local board of trustees for each community college.

(b) The experience of the independent certified public accountant in auditing educational institutions shall be considered.

(c) The arrangements made with the independent certified public accountant shall be in writing, shall specify that these guidelines will be followed, and shall be approved in advance by the college's board of trustees. Each board of trustees is urged to either enter 1-year-only agreements, or to provide for a cancellation privilege in the event that the Legislative Auditor exercises his initiative to perform the required annual audits.

(d) The independent certified public accountant shall determine the nature and extent of the review required to render an opinion and limitations may not be placed on the audit which would force

the independent certified public accountant to render a qualified opinion.

(e) The independent certified public accountant shall be aware that the Maryland State Board for Community Colleges relies heavily upon the reports of independent certified public accountants in its administration of State aid to community colleges. Most importantly, the State Board for Community Colleges treats these reports as an independent and objective assessment of the full-time equivalent student enrollment and the cost per full-time equivalent student at each community college, the two most important factors determining the dollar flow of State aid to community colleges. The independent certified public accountant shall be aware of the reliance that the State Board for Community Colleges places upon him in the administration of its public trust, and he shall exercise his professional responsibilities in such a way as to aid the State Board for Community Colleges in the successful administration of this trust.

(3) Audit Requirements.

(a) It is not the purpose of these guidelines to establish a detailed audit program to be followed in order to arrive at an opinion as to the fairness of the financial statements of the community college. Rather, the independent certified public accountant is required to exercise professional judgement and to employ generally accepted auditing standards in conducting his audit of the community colleges. The report which results from his examination of the financial statements of the community college shall state that his examination was made in accordance with generally accepted auditing standards and his opinion shall state whether the financial statements present fairly the financial position of the community college and the changes in fund balances and the current funds revenues, expenditures, and other changes in conformity with generally accepted accounting principles applied on a basis consistent with that of the preceding year. The examination shall include such tests of the accounting and enrollment records and other auditing procedures which are necessary to form an opinion so that a disclaimer of an opinion will not result because of a lack of the application of tests and auditing procedures, unless sufficient, competent, evidential matter is not available. In all instances when the auditor is unable to express an unqualified opinion on financial statements, a separate letter shall be submitted to the State Board for Community Colleges by the college which indicates in detail management's plan to correct the problem so that the auditor can issue un-

qualified opinions in the future. These letters shall accompany the financial statements when they are submitted to the State Board for Community Colleges.

(b) The audit of the community college shall be conducted in accordance with the American Institute of Certified Public Accountants Industry Audit Guide: Audits of Colleges and Universities. However, community colleges in Maryland shall account for expenditures within the funds and functions provided for in the statutes and as specified in the Accounting Manual for Community Colleges in Maryland.

(c) The requirements imposed upon independent certified public accountants for disclosure in the financial statements of community colleges can be found in the various Statements on Auditing Standards issued by the American Institute of Certified Public Accountants.

(d) Management Letter.

(i) In addition to the audit report, the independent certified public accountant is required to write a management letter (or similar communication) to the college which contains the auditor's recommendations for improvement of internal controls along with any other comments, suggestions, and recommendations deemed appropriate for the betterment of the college's operations. Copies of the auditor's management letter and the college's response to each item in the management letter shall be filed with the State Board for Community Colleges.

(ii) The statutes intend, and these policies require, that the auditor comment on accounting procedures and principles and fiscal and operational methods and procedures which need improvement and include recommendations deemed appropriate to correct or improve the overall operation of the college.

(iii) The auditor shall follow up his recommendations, the college's response, and the action taken by the State Board for Community Colleges in ensuing years to insure compliance when appropriate. Non-compliance shall be noted in future management letters.

(e) In addition to issuing his report on the formal financial statements which he addresses to the board of trustees of the commu-

nity college, the independent certified public accountant shall also issue his report on the SBCC-CC-4 (Annual Financial Report to the Maryland State Board for Community Colleges) which is a special purpose report needed by the State Board for Community Colleges to fulfill its responsibilities in administering State aid to community colleges. The independent certified public accountant shall render his report on the scope of his examination of the SBCC-CC-4 and express his opinion as to the fairness of the Summary Statement of Revenues and Expenditures and the enrollment data. Explicit references in the scope and opinion sections are required with regard to enrollment data. The opinion section of the report shall indicate whether the principles and procedures governing the interrelationship between the current unrestricted general fund and the auxiliary enterprise fund result in a fair presentation of the current unrestricted general fund revenues and expenditures. The independent certified public accountant also shall prepare a reconciliation of any differences in total current general unrestricted revenues as shown in the SBCC-CC-4 and those same revenues as shown in his formal report to the board of trustees as well as a reconciliation of any differences in total current general unrestricted expenditures as shown in the SBCC-CC-4 and those same expenditures as shown in his formal report to the board of trustees of the community college. For purposes of expressing an opinion on the SBCC-CC-4, the independent certified public accountant shall be aware of the following:

(i) Full-time equivalent student enrollment shall be audited with the same diligence as applied to the financial statements, that is, the general standards and standards of field work apply to the enrollment audit. The specific tests of the enrollment records and the auditing procedures to be applied to the enrollment records are the responsibility of the independent certified public accountant.

(ii) Full-time equivalent students equal total student credit or equated credit hours generated in a fiscal year divided by 30.

(iii) Full-time equivalent enrollment is measured as of the end of the third week of classes each semester and after 20 percent of the time has lapsed for shorter sessions.

(iv) Full-time equivalent enrollment in credit or equated credit courses which continue for a period of time which is more than or less than a semester shall be measured at a point in time which is 20 percent of the total course time.

(v) Students shall be classified by their geographic area of residence to insure that out-of-State students do not enter into the computation of full-time equivalent students for State aid purposes.

(vi) Full-time classified employees of the community college may enroll during their nonworking hours without tuition charge. These employees may not be included in the computation of full-time equivalent students for the purposes of State aid.

(vii) If permitted by the board of trustees of a community college, a resident of this State who is 60 years old or older who enrolls in any class at the community college that has at least ten, or is being continued with less than ten, regularly enrolled students, is exempt from payment of tuition and shall be counted in computing full-time equivalent enrollment.

(viii) Full-time equivalent enrollment is to be reported to the State Board for Community Colleges within the fiscal year in which the courses are taught.

(ix) A community college shall receive prior approval from the Maryland State Board for Community Colleges before entering into a contractual agreement with any organization or institution which offers instruction leading to the generation of credit which shall be submitted for State aid.

(x) When State or federally funded contracts or grants, or both, pay for program or course costs, or both, State aid will not be paid for that proportion of full-time equivalent students whose total costs are funded by the grant or contract (effective July 1, 1978). Reference should be made to State Board Policy and the related procedures and exceptions under §H.

(xi) Reference shall be made to the Operational Policies and Bylaws, Continuing Education Manual, Guidelines for the Determination of Geographical Residency Status by Maryland Community Colleges, and the Financial Guidelines and Procedures Manual of the Maryland State Board for Community Colleges for other policies and procedures concerning full-time equivalent enrollment.

(xii) There is a clear distinction between the State's participation in support of current expenses and in support of construction projects, and this distinction shall be maintained in the college's accounts and reports.

(xiii) "Transfer" expenditures shall be included in adjusted current unrestricted operating expenditures only if the nature of the

transfer coincides with the definition of an expenditure defined as a current general unrestricted fund expenditure.

(xiv) Encumbrances outstanding at year end shall be substantiated by written and approved purchase orders or contracts for the future delivery of goods or services not received as of June 30. In the preparation of financial statements, open encumbrances are to be reported under generally accepted accounting principles as a reservation of fund balance, since the commitments will be honored through subsequent year's expenditures. Open encumbrances outstanding at year end do not constitute expenditures or liabilities in the financial statements or on the SBCC-CC-4 (Annual Financial Report.)

(xv) Retirement plan premium expenditures which are reimbursed by the State for employees on the Optional Retirement Program (TIAA-CREF) are to be treated in such a manner so that they do not become a part of the adjusted current unrestricted operating expenditures of the college.

(xvi) Debt service for construction projects paid by or for the community college does not constitute a part of the cost per full-time equivalent student nor does it enter into the computation of the respective shares of contribution by the State, student, or county to the cost of current operations.

(4) Filing Requirements.

(a) Three copies of the SBCC-CC-4 shall be filed with the State Board for Community Colleges by October 1 for the fiscal year ending the previous June 30. The copies shall be accompanied by a transmittal letter signed by the President of the community college which indicates that he is aware of the contents of the report.

(b) Three copies of the formal audit report addressed to the board of trustees of the community college, three copies of the related management letter, and three copies of the college's response to the management letter shall be filed with the State Board for Community Colleges by November 1 for the fiscal year ending the previous June 30.

(c) The State Board for Community Colleges will forward copies of the required reports to the Legislative Auditor to fulfill the requirements of the statutes.

(d) Date of Filing.

(i) The written agreement entered into between the board of trustees of the community college and the independent certified public

accountant shall make ample allowance for the completion of the field work and the preparation and filing of the required reports by October 1 and November 1 of each year. The State Board for Community Colleges staff may, for good cause, grant an extension of time to complete the audit and file the required reports and the management letter. Normally an extension of time is not granted for the SBCC-CC-4 report.

(ii) A written request for an extension of time to file the required reports and the management letter shall be received by the staff of the State Board for Community Colleges before the original due date.

(iii) A request for an extension of time may be considered provided that detailed reasons are stated that indicate why the reporting deadline cannot be met, the request indicates the estimated date the audit will be completed and the report filed, and the request is signed by the President of the community college.

(5) Effective Date. These guidelines, effective July 1, 1978, are required for all fiscal years beginning after this date.

D. Each college shall submit annually by a date prescribed by the Board, a report containing personnel detail, including salary schedules.

E. The State Board for Community Colleges shall notify each county which supports a community college of its mandated share of community college operating expenses.

F. The State Board for Community Colleges shall certify to the State Comptroller the amount of State aid for community colleges due each board of trustees as required by law.

G. A community college may not enter into a contractual agreement with any organization or institution which offers instruction resulting in credit or equated credit submitted for State aid to community colleges without the prior approval of the State Board for Community Colleges.

H. If State or federally funded contracts or grants pay for program or course costs, State aid will not be paid for that proportion of full-time equivalent students whose total costs are funded by the grant or contract. A community college may request the State Board for Community Colleges to make specific exceptions to this policy.

I. A community college may not submit for State reimbursement credits awarded to students for satisfactory completion of standardized

tests of college-level performance, competency, or aptitude. As used in this policy, "standardized test" means a test distributed by external agencies for determining academic equivalence of knowledge or skills, or both. Standardized tests do not include departmental or other examinations developed and administered by the institution.

J. A community college may not submit for State reimbursement credits awarded to students for work experience or life experience which do not require direct college instruction or supervision.

.05 Continuing Education.

A. Except as otherwise provided, all policies of the Board shall be equally applicable to credit programs and continuing education courses.

B. Each community college shall adhere to the guidelines and procedures specified below by the Board and in accordance with the schedule and format contained in the Continuing Education Manual:

(1) Enrollment information shall be submitted to the Board for all noncredit courses taught by the community colleges during each fiscal year.

(2) Continuing education courses shall be approved for State funding based upon a review by the State Board for Community Colleges of course titles, descriptions, and objectives.

(3) Continuing education courses which are approved for State funding shall be conducted in accordance with the approved description and objectives and shall be advertised consistently under the title approved by the Board.

(4) Continuing education courses shall be taught for a minimum of 5 contact hours to be eligible for State funding.

(5) Recreational courses may not be approved for State funding.

(6) Approval for State funding of a continuing education course shall be for a period of not less than 2 fiscal years unless the college has been otherwise notified in writing by the State Board for Community Colleges.

(7) New submission and evaluation criteria for State funding may not be applied retroactively to approved continuing education courses.

(8) Student enrollment records for continuing education courses shall be retained by the colleges for a period of not less than 5 years.

(9) When two or more community colleges jointly sponsor a continuing education course, participating students shall be enrolled, recorded, and registered by the institution which will ultimately submit them for State funding.

(10) All students enrolled in continuing education courses approved for State funding shall pay tuition or fees, or both, unless otherwise permitted by State law.

(11) Community colleges may not receive State funding for students under 16 years old enrolled in continuing education courses.

(12) High school students concurrently enrolled in continuing education courses which are part of their high school curriculum may not be submitted for State funding.

(13) Community college employees who are enrolled in continuing education courses on a tuition-free basis, either through tuition waiver, tuition payment-reimbursement, or by direct finance of the course work by individual college departments, may not be submitted for State funding.

(14) Instruction in continuing education courses shall involve direct faculty and student contact.

(15) Procedures governing payments to the community colleges are contained in the State Board for Community Colleges Financial Guidelines and Procedures Manual.

.06 Community College Facilities.

A. Each community college shall submit to the Board for review and comment a proposal for any capital construction project in accordance with guidelines and procedures prescribed by the Board and contained in Maryland Community College Facilities Manual. In submitting a proposal for any project for which the college is not eligible for State participation, the college shall indicate why additional space beyond current guidelines is necessary, how the space will be used, and estimated life cycle impact of the proposed facility on the operating costs of the institution.

B. The State Board for Community Colleges shall establish annually a revised capital construction project priority list for purposes of State participation.

C. In conjunction with the State Board for Higher Education, the State Board for Community Colleges shall establish annually enroll-

ment projections to be used by community colleges to prepare capital construction projects.

D. Before submitting educational specifications for new capital projects, a community college shall submit to the State Board for Community Colleges a letter of intent and program proposal for any new instructional program to be housed in the proposed facility. Proposals for new instructional programs shall be submitted in accordance with Regulation .03A.

E. For purposes of determining the statutory limit on State financial participation in community college capital construction projects, the proposed capacity of the community college in number of students shall be the approved projected 10 year full-time equivalent enrollment as adopted by the Board.

F. A community college may not enter into an agreement to sell, lease, transfer, or otherwise dispose of real property in which the State has participated without the prior approval of the State Board for Community Colleges and the subsequent approval of the Board of Public Works.

.07 Community College Boards of Trustees.

A. Each board of trustees shall forward to the State Board for Community Colleges copies of the agenda and approved minutes for each board meeting.

B. Each board of trustees shall submit to the State Board for Community Colleges for information purposes only current college policies for the employment and retention of faculty and staff.

C. Each board of trustees shall submit to the State Board for Community Colleges for information purposes only its current procedures for the evaluation of faculty and staff.

.08 Foundations.

A. A community college may participate in the establishment of a foundation or foundations associated with it for the purpose of assisting the community college to perform its mission.

B. If one or more foundations associated with a community college are established, the following provisions shall govern the community college's activities in relation to the foundation or foundations:

(1) A community college shall require as a condition of acceptance of any funds from an associated foundation that there be conducted an

annual audit of the foundation's fiscal affairs by an independent certified public accountant that provides sufficient detail to allow the institution and governing boards to ascertain the purposes of expenditures, including the assurance that funds are accounted for and used in accordance with donor instructions. In addition, the audit report shall contain a management letter which specifically addresses the operating procedures of the foundation and recommends any corrective actions necessary to ensure fiscal propriety and efficiency.

(2) A community college shall require as a condition of acceptance of any funds from an associated foundation that the foundation provide the institution with a detailed annual report of expenditures

(See page 14)

made to or on behalf of institutional employees which has been verified by the foundation's independent audit.

(3) A community college may not accept any funds from an associated foundation unless the foundation uses generally accepted accounting principles and practices. These need not be the same as those employed by the institution.

(4) A community college shall encourage an associated foundation to use the same fiscal year as the institution.

(5) The community college shall require that an annual report stating major activities, officers, and employees of the foundation shall be on file with the community college and shall be available to the general public and other interested parties upon request.

(6) Since the basic purpose of a foundation is the enhancement of the institution, a foundation may engage in any activity considered legitimate to a private corporation which does not conflict with law, its articles of incorporation, any applicable donor instructions, or the mission of the institution. The board of trustees and the college shall monitor their relationship with an associated foundation to ensure compliance with the above limitations.

(7) The board of trustees shall develop and adopt specific regulations which deal with the relationship between the board, the institution, and the foundation. In addition, these regulations shall be further supported by written agreements which are necessary to clearly delineate the structure of the relationship as well as stress the separate identities of institution and foundation. These regulations and agreements shall deal with procedures for acceptance of contributions from the foundations, the use and reimbursement by the foundation of institutional facilities, resources, and personnel, and the dual or supplemental employment of institutional employees by the foundation.

(8) The board of trustees shall ensure that all additional costs incurred by an institution as a result of providing a service, resources, or facility to the foundation be properly reimbursed by the foundation.

(9) To avoid possible confusion or misrepresentation to the general public, the board of trustees and the institution shall ensure that all correspondence, solicitations, activities, and advertisements concerning the foundation are readily identified as being from the foundation.

(10) The board of trustees shall ensure that the institution does not use foundation funds for the purpose of circumventing State policies or rules and regulations by engaging in activities or making expenditures which have been denied the institution for other than purely financial reasons.

(11) In addition to the above provisions, the board of trustees and institutions may adopt any other regulations, policies, or guidelines necessary to guarantee the foundation's responsiveness to the institutional mission and the needs of the institution.

C. A copy of the regulations adopted by each board of trustees and a listing of all associated foundations shall be supplied to the State Board for Community Colleges along with any changes as they are adopted.

.09 Tuition Waiver for Faculty, Staff, and Dependents.

A. If permitted by policy of the board of trustees, a full-time faculty or staff member, or any of his or her dependents, may enroll in any class on a space-available basis without payment of tuition.

B. A board of trustees may limit the conditions under which individuals may enroll without payment of tuition or the total number of classes in which they may enroll during a term.

C. Persons who enroll without payment of tuition because of their status as employees or dependents of employees may not be counted in the computation of full-time equivalent students for purposes of State funding.

D. Persons who are full-time classified employees of the community college shall meet the conditions specified in Education Article, §16-205(a), Annotated Code of Maryland.

E. Instead of direct tuition waiver, a community college may accomplish the purposes of this regulation by tuition deferment or tuition reimbursement if a person so treated is not included within the computation of full-time equivalent students for purposes of State funding.

.10 Student Residency Policy.

A. Each community college board of trustees shall adopt and publish in the college catalog a policy governing classification of students by domicile for tuition purposes.

B. After July 1, 1981, the policy adopted by each board of trustees shall be consistent with the provisions stated below.

C. Each policy shall distinguish at least the following categories of students:

(1) Residents of the county or counties that support the colleges;

(2) Maryland residents from outside the county or counties that support the college; and

(3) Out-of-State residents.

D. The following provisions shall be contained in each policy.

(1) Out-of-State students shall pay tuition in accordance with Education Article, §16-407(a), Annotated Code of Maryland;

(2) Out-of-county or out-of-region students shall pay tuition in accordance with Education Article, §16-407(b), Annotated Code of Maryland;

(3) A student is an out-of-State student if he is not a Maryland resident;

(4) A student is an out-of-county or out-of-region student if he is not a resident of the county or counties which support the community college;

(5) A student is a Maryland, county, or region resident if he maintains his legal domicile there and has done so for a period of not less than 3 months before the date of his enrollment at the community college.

E. In establishing the domicile of a person enrolling in a credit course at a community college, the following procedure shall prevail:

(1) Students shall be advised through the catalog or other official college publications of the meaning of domicile as "a person's permanent place of abode, where physical presence and possessions are maintained and where he intends to remain indefinitely. The domicile of a person who received more than one-half of his financial support from others in the most recently completed year is the domicile of the person contributing the greatest proportion of support, without regard to whether the parties are related by blood or marriage."

(2) At the time of admission to or initial enrollment in any credit course at the community college, each student shall sign a statement affirming domicile and the factual basis for the claim of domicile.

(3) At the time of each subsequent enrollment, policy provisions, to be published in the catalog, shall require that each student indicate whether his domicile is the same as or different from that affirmed at initial enrollment. If facts indicate the domicile has changed, the student shall complete a new statement.

(4) Adequacy of Factual Basis for Domicile.

(a) In determining the adequacy of the factual basis for domicile provided by the student, a designated college official shall consider any or all of the following factors and may request evidence for substantiation:

(i) Ownership or rental of local living quarters;

(ii) Substantially uninterrupted physical presence, including the months when the student is not in attendance at the college;

(iii) Maintenance in Maryland and in the county of all, or substantially all, of the student's possessions;

(iv) Payment of Maryland State and local piggy-back income taxes on all income earned, including all income earned outside the State;

(v) Registration to vote in the State and county;

(vi) Registration of a motor vehicle in the State, with a local address specified, if the student owns or uses such a vehicle;

(vii) Possession of a valid Maryland driver's license, with a local address specified, if the student is licensed anywhere to drive a motor vehicle.

(b) These factors shall be published in the college catalog.

F. In establishing the domicile of a person enrolling in a noncredit continuing education course at a community college, a person shall indicate on a signed registration document whether he is a resident of the State and the county or region.

G. In addition to the general requirements above, the following provisions apply to the specific categories of students indicated:

(1) Military personnel and their dependents who were domiciliaries of Maryland at the time of entrance into the armed forces and who are stationed outside the State may retain Maryland domicile as long as they do not establish domicile elsewhere.

(2) Military personnel stationed in Maryland who were not Maryland domiciliaries at the time of entrance into the armed forces

and their dependents may be considered a resident for tuition purposes as long as they remain on active duty in the State.

(3) A foreign national lawfully admitted for permanent residence in the United States may be considered a resident for tuition purposes if he meets the domicile requirements stated in this policy.

(4) A foreign national lawfully admitted to the United States on a temporary, student, or visitor visa may not be considered a resident for tuition purposes.

(5) A student enrolled in a program designated as Statewide or regional by the State Board for Community Colleges may be considered a resident for tuition purposes if domiciled in the approved region for the program.

(6) A student from outside the State who enrolls as part of a reciprocity agreement negotiated between Maryland and another state may be considered a resident for tuition purposes.

H. A person shall be provided the opportunity to request a change in residency classification or to appeal current classification within a reasonable time of a decision by the community college. The policy of the board of trustees shall specify the procedures for appeal.

I. Notwithstanding any other provision, a community college may adopt a policy allowing it to enter into a contract with a business or industry that maintains facilities, operates, or does business in the State to provide education or training for company employees for a set contractual fee in place of payment of tuition under the following conditions:

(1) The employee is enrolled in credit or noncredit courses which will benefit the employer;

(2) The company pays the fee charged by the college;

(3) The fee reasonably reflects the usual costs borne by students in the same or similar courses;

(4) The employees enrolled under this program shall be treated as any other students in accordance with college policies and procedures and the general policies of the State Board for Community Colleges, with the exception of payment of tuition.

J. A person who is a Maryland resident in accordance with the above requirements shall be eligible to be considered a Maryland resident for purposes of State aid.

K. Each community college shall submit a copy of the policy approved by the board of trustees to the State Board for Community Colleges.

.11 Optional Retirement Program.

A. There is an Optional Retirement Program established for community colleges by the State Board for Community Colleges in accordance with Article 73B, §§103 and 110, Annotated Code of Maryland.

B. The company from which contracts are to be purchased, in accordance with a resolution of the Board approved on January 8, 1976, is the Teachers Insurance and Annuity Association—College Retirement Equities Fund, a corporation organized not for profit under the laws of the State of New York.

C. The State Board for Community Colleges staff shall determine the eligibility of a community college employee following the filing of a certification of professional position signed by the community college president.

D. A certification of professional position shall attest that the position meets all of the following criteria:

(1) The position requires, and the incumbent possesses, an earned baccalaureate or higher degree;

(2) The position requires service not less than half the working hours required of similar positions at the college; that is , the position is at least half-time;

(3) The position requires use of skills which are predominantly mental or intellectual, rather than physical or manual;

(4) The position is not considered by the institution to be a clerical position.

E. A community college president or the employee may request an exception to the above eligibility criteria and shall provide relevant information necessary to determine whether the exception shall be granted in the particular case.

F. Decisions on eligibility made by the SBCC staff in accordance with this policy may be appealed to the Board.

G. The employee contribution, if any, to the Optional Retirement Program shall be governed by the following provisions:

(See page 15)

(1) A participant at any time may make voluntary lump-sum contributions of any amount to the program by remitting the funds directly to the company.

(2) A participant employed on or before December 31, 1979, shall contribute 5 percent of annual earnable compensation unless he elects to discontinue contributions as provided in §G(2)(b) below:

(a) The employee contribution may be made by payroll deduction or by salary reduction as defined in the Internal Revenue Code;

(b) A participant making an employee contribution shall be afforded the option annually to elect in writing to discontinue contribution for the ensuing calendar year up to the amount of the Social Security Taxable Wage Base, at which time a contribution of 5 percent automatically shall be reinstituted on the remainder of annual compensation.

(3) Voluntary Contribution.

(a) A participant employed on or after January 1, 1980, is not required to make an employee contribution up to the amount of the Social Security Taxable Wage Base, but may elect in writing to make a voluntary contribution.

(b) If voluntary contribution is elected, it shall be governed by the following provisions:

(i) A voluntary contribution to be taken during each pay period may be in an amount determined by the participant, expressed as a percentage of annual earnable compensation.

(ii) A voluntary contribution may be made by payroll deduction or salary reduction.

(iii) A participant reaching the Social Security Taxable Wage Base is required to contribute 5 percent of the remainder of annual earnable compensation. A participant making voluntary contribution equal to or higher than 5 percent is not required to make additional contribution.

(4) Any participant not making a voluntary contribution during the current calendar year may elect in writing to institute a voluntary contribution in the amount he determines during the ensuing calendar year.

H. If a participant discontinues employment at the community college and is not eligible to participate in a TIAA-CREF plan at an-

other institution, funds contributed by the employee and the employer shall be treated in accordance with the following provisions:

(1) To assure that the employer and employee contributions are used for the intended purpose of providing retirement benefits, requests for repurchase of annuities are not allowed except in the limited case that the annuity owner:

(a) Is not eligible to participate in the plan at another institution;

(b) Does not own any regular TIAA or CREF annuity contracts more than 5 years old unless the total value of the annuities is less than $2,000;

(c) Meets the requirement for repurchase of annuity contracts established by the company.

(2) In cases where a repurchase is allowed, the annuity owner may withdraw the employee-purchased portion of the annuity. The balance of the accumulation shall be returned to the State Board for Community Colleges.

.12 Gifted and Talented Students.

A. The Education Article, §8-201, Annotated Code of Maryland, defines gifted and talented children as follows: "In this subtitle 'gifted and talented child' means an elementary or secondary school student who is identified by professionally qualified individuals as having outstanding abilities in the area of: (1) general intellectual capabilities; (2) specific academic aptitudes; or (3) the creative, visual, or performing arts." Consistent with the policy of the State to encourage programs for the gifted and talented, community colleges may permit enrollment by students identified by the appropriate school authorities as gifted and talented in accordance with the above definition. In these cases, the following provisions shall apply:

(1) Students shall be eligible to participate in community college programs during regular school hours only if recommended in writing by the appropriate public or private school official in accordance with policies adopted by the county board of education or private school trustees, and the community college board of trustees.

(2) Gifted and talented students may enroll in programs or other college-level credit or noncredit courses, as determined individually by the appropriate college and school officials.

(3) Each board of trustees shall levy and collect tuition and fees, as established by the board of trustees in accordance with law. These funds may be collected from the student or parents, or from a third party as agreed to by the board of trustees.

(4) Unless the context clearly requires otherwise, all other policies and procedures of the Board shall remain in effect and apply to the students, services, and program specified in this regulation.

B. The State Board for Community Colleges may share information and coordinate actions with the State Board for Higher Education, the State Board of Education, and the Education Coordinating Committee in regard to gifted and talented students.

Administrative History

Effective date:

Regulations .01–.07, .09 adopted effective July 1, 1979 (6:13 Md. R. 1131)
Regulation .04C amended effective November 14, 1980 (7:23 Md. R. 2168); July 5, 1982 (9:13 Md. R. 1352)
Regulation .06A, B amended effective April 12, 1982 (9:7 Md. R. 712)
Regulation .06F adopted effective April 12, 1982 (9:7 Md. R. 712)
Regulation .08 adopted effective May 15, 1981 (8:10 Md. R. 878)
Regulation .10 adopted effective October 12, 1981 (8:20 Md. R. 1636)
Regulations .11 and .12 adopted effective April 18, 1980 (7:8 Md. R. 772)
Regulation .11G, H adopted effective November 14, 1980 (7:23 Md. R. 2168)

Title 13C
STATE BOARD FOR COMMUNITY COLLEGES

Subtitle 01 GENERAL POLICIES

Chapter 02 Board Meetings and Board Officers

Authority: Education Article, §16-103, Annotated Code of Maryland

.01 Conduct of Meetings.

A. Regular Meetings. The Board shall meet regularly and, to the extent possible, on the second Thursday of each month. However, the date for any regular meeting may be changed by the majority of those voting at any previous regular meeting. Notice of the meeting shall be given in accordance with §E. All meetings of the Board shall be held in the State and shall be in open session unless closed in accordance with §D.

B. Special Meetings. A special meeting of the Board may be called at any time by the Chairman, the Vice Chairman, or any three members upon request in writing delivered to the Secretary who shall send written notice in accordance with §E. All meetings shall be held at a place within the State of Maryland determined by the Board.

C. Minutes. The Board shall keep full and fair accounts of its transactions, and copies of the minutes of each regular and special meeting shall be promptly mailed to each member. Copies of all regular or special meeting minutes shall be made available to the public upon request.

D. Closed Meetings. The Board may convene in closed session for specified purposes in accordance with the procedures contained in Article 76A, §§7—15, Annotated Code of Maryland.

E. Notice of Meetings. Notice of the place, day and hour of each regular and special meeting shall be given in writing to each Board member at least 3 days before the meeting by delivering notice personally; by telephone; by telegraph; by leaving notice at the member's residence or usual place of business; or, in the alternative, by mailing this notice at least 5 days before the meeting to the last known address according to the records of the Board. Any meeting of the Board may adjourn from time to time to reconvene at the same or some other place and no notice need be given of this adjourned meeting

other than by announcement of the meeting at which the adjournment takes place.

F. Quorum. At all meetings of the Board a majority of the members serving on the Board shall constitute a quorum for the transaction of business. Except as otherwise provided, the affirmative vote of a majority of the members present and voting at a duly constituted meeting shall be sufficient to adopt any action.

G. Polling in Lieu of Meeting. In the absence of a meeting, at the request of the Executive Director and concurrence of the Chairman, the Board may be polled by telephone or by mail for a majority vote on business transactions. Actions taken by mail or telephone shall be ratified at the next meeting of the Board.

H. Agenda. The Executive Director, in consultation with the Chairman, shall prepare the agenda for each meeting of the Board and distribute it in advance with the notice of the meeting. Items may be added to the agenda at the meeting by an affirmative vote of the majority of the Board members present. Persons other than Board members requesting to place items on the agenda shall notify the Executive Director in writing not less than 48 hours in advance of the meeting.

.02 Officers of the Board.

A. Officers. The Board shall choose from among its members a Chairman and a Vice Chairman. The Executive Director shall serve as Secretary-Treasurer to the State Board for Community Colleges.

B. Term. Election of the Chairman and Vice Chairman shall take place at the regular meeting in June of each year. Officers shall take office immediately following the election. An individual may be elected to any number of terms. A vacancy in any office may be filled by the Board at any regular or special meeting.

C. Chairman. The Chairman shall preside at all meetings of the Board, shall call special meetings of the Board as deemed necessary, and shall sign all necessary legal documents approved by the Board. The Chairman may appoint those committees that the Chairman or the Board deems necessary.

D. Vice Chairman. The Vice Chairman, at the request of the Chairman, in the Chairman's absence, or during inability of the Chairman to act, shall perform the duties and exercise the functions of the Chairman and when so acting shall have the powers of the

Chairman. The Vice Chairman shall have other powers and perform other duties that may be assigned by the Board or the Chairman.

E. Secretary. The Executive Director, as Secretary, shall be responsible for keeping the minutes of the meetings of the Board. The Secretary shall:

(1) See that all notices are duly given in accordance with the provisions of the regulations or as required by law;

(2) Be custodian of the records of the Board; and

(3) In general, perform all duties incident to the office of a secretary of a board and other duties that from time to time may be assigned by the Board or the Chairman.

F. Treasurer. The Executive Director, as Treasurer, shall have charge of and be responsible for all funds, receipts, and disbursements of the Board. The Treasurer shall render to the Chairman and the Board, whenever requested, an account of the financial condition of the Board. and, in general, shall perform all the duties incident to the office of treasurer of a board and other duties that may be assigned by the Board or the Chairman.

G. Removal. Any officer of the Board may be removed as an officer of the Board, with or without cause, by affirmative vote of a majority of the entire Board at any regular meeting or at any special meeting called for that purpose.

.03 Interpretation and Amendments.

A. Regulations to Supersede Previous Bylaws. These regulations shall supersede bylaws of the Board in effect on the date of adoption.

B. Interpretation. The Board retains the authority to interpret these rules and their effect by affirmative vote of a majority of the entire Board at any regular meeting or at any special meeting called for that purpose. In making such an interpretation, the Board may consider the recommendation of the staff, advice of the Attorney General's Office, or the comments of any other person, as the Board deems appropriate.

C. Amendments. Any of these regulations may be altered or repealed and new rules may be adopted at any regular meeting or at any special meeting called for that purpose upon the affirmative vote of a majority of the entire Board. These changes shall take effect immediately upon final approval and shall be construed prospectively.

13C.01.02.03 STATE BOARD FOR COMMUNITY COLLEGES

Administrative History

Effective date: November 14, 1980 (7:23 Md. R. 2168)
Regulation .01 amended effective October 12, 1981 (8:20 Md. R. 1637)

Title 13C
STATE BOARD FOR COMMUNITY COLLEGES

Subtitle 01 GENERAL POLICIES

13C.01.01 General Regulations

Authority: Education Article, §16-104, Annotated Code of Maryland

Notice of Proposed Action

The State Board for Community Colleges proposes to amend Regulation .04 under **COMAR 13C.01.01 General Regulations**, as printed below, to become effective following the publication of notice of final action in the Maryland Register after the period for public comment. The intent of the proposed regulation change is to specify conditions relative to accounting for compensated absences.

Estimate of Economic Impact

The proposed action has no economic impact.

Opportunity for Public Comment

Written comments may be sent to Brent M. Johnson, Executive Director, State Board for Community Colleges, Jeffrey Building, 16 Francis Street, Annapolis, Md. 21401, (301)269-2881. Comments must be received by November 5, 1982 at 4 p.m. No public hearing has been scheduled.

Open Meeting

This amendment was considered at a public meeting of the Board held September 9, 1982. All meetings of the Board, regular and special, are open to the public. Notice of the public meeting at which this action was taken was disseminated as follows pursuant to Article 76A, §12(c), Annotated Code of Maryland: meeting notice and agenda sent to each community college president and community college board chairman, education writers of newspapers of general Statewide circulation, and others requesting inclusion on the mailing list for notice of Board meetings. In addition, notice of the meeting was also given in the monthly State Board for Community Colleges Bulletin, 4,000 copies of which are distributed Statewide.

Contact the Board office at the above address or telephone number for the time and place of final action.

.04 Community College Finance.

A.—B. (text unchanged)

C. Auditing Guidelines. Each college shall submit annually a signed financial and enrollment audit in accordance with auditing guidelines adopted by the Board, as follows:

(1)—(2) (text unchanged)

(3) Audit Requirements.

(a)—(d) (text unchanged)

(e) In addition to issuing his report on the formal financial statements which he addresses to the board of trustees of the community college, the independent certified public accountant shall also issue his report on the SBCC-CC-4 (Annual Financial Report to the Maryland State Board for Community Colleges) which is a special purpose report needed by the State Board for Community Colleges to fulfill its responsibilities in administering State aid to community colleges. The independent certified public accountant shall render his report on the scope of his examination of the SBCC-CC-4 and express his opinion as to the fairness of the Summary Statement of Revenues and Expenditures and the enrollment data. Explicit references in the scope and opinion sections are required with regard to enrollment data. The opinion section of the report shall indicate whether the principles and procedures governing the interrelationship between the current unrestricted general fund and the auxiliary enterprise fund result in a fair presentation of the current unrestricted general fund revenues and expenditures. The independent certified public accountant also shall prepare a reconciliation of any differences in total current general unrestricted revenues as shown in the SBCC-CC-4 and those same revenues as shown in his formal report to the board of trustees as well as a reconciliation of any differences in total current general unrestricted expenditures as shown in the SBCC-CC-4 and those same expenditures as shown in his formal report to the board of trustees of the community college. For purposes of expressing an opinion on the SBCC-CC-4, the independent certified public accountant shall be aware of the following:

(i)—(xiv) (text unchanged)

(xv) In the preparation of financial statements, a community college may account for compensated absences consistent with generally accepted accounting principles relative to the absences. However, the accrued costs for future employee absences are not funded by the State, and accruals for those costs shall be excluded in their entirety from the Annual Financial Report submitted on SBCC-CC-4 for purposes of payment of State aid to community colleges.

[(xv)] *(xvi)*—[(xvi)] *(xvii)* (text unchanged)

(4)—(5) (text unchanged)

D.—J. (text unchanged)

BRENT M. JOHNSON
Executive Director
State Board for Community Colleges

[Md. R. Doc. No. 82-R-450-P. Filed at Div. of St. Doc. Sept. 17, 1982. Filed at AELR Comm. Sept. 20, 1982.]

Subtitle 01 GENERAL POLICIES

13C.01.01 General Regulations

Authority: Education Article, §16-104, Annotated Code of Maryland

Notice of Proposed Action

The State Board for Community Colleges proposes to amend Regulation .10 under **COMAR 13C.01.01 General Regulations**, as printed below, to become effective coincident with the publication of notice of final action in the

Maryland Register following the period for public comment. The intent of the proposed regulation change is to conform the classification of certain aliens to the requirements of a recent court decision.

Estimate of Economic Impact

The proposed action has no economic impact.

Opportunity for Public Comment

Written comments may be sent to Brent M. Johnson, Executive Director, State Board for Community Colleges, The Jeffrey Building, 16 Francis Street, Annapolis, Maryland 21401, (301)269-2881. Comments must be received by November 5, 1982 at 4 p.m. No public hearing has been scheduled.

Open Meeting

This regulation was considered at a public meeting of the Board held September 9, 1982. All meetings of the Board, regular and special, are open to the public. Notice of the public meeting at which this action was taken was disseminated as follows pursuant to Article 76A, §12(c), Annotated Code of Maryland: meeting notice and agenda sent to each community college president and community college board chairman, education writers of newspapers of general Statewide circulation, and others requesting inclusion on the mailing list for notice of Board meetings. In addition, notice of the meeting was also given in the monthly State Board for Community Colleges Bulletin, 4,000 copies of which are distributed Statewide.

Final action on the proposed change will take place following the required period for public comment. Contact the Board office at the above address or telephone number for the time and place of final action.

.10 Student Residency Policy.

A.—C. (text unchanged)

D. The following provisions shall be contained in each policy:

(1)—(5) (text unchanged)

(6) For a student to be considered a Maryland resident for purposes of this policy, the student shall possess the legal capacity under State and federal law to establish Maryland domicile.

E. In establishing the domicile of a person enrolling in a credit course at a community college, the following procedure shall prevail:

(1)—(3) (text unchanged)

(4) Adequacy of Factual Basis for Domicile.

(a) In determining the adequacy of the factual basis for domicile provided by the student, a designated college official shall consider any or all of the following factors and may request evidence for substantiation:

(i)—(iii) (text unchanged)

(iv) Payment of [Maryland] State and local piggyback income taxes on all *taxable* income earned, including all *taxable* income earned outside the State;

(v)—(vii) (text unchanged)

(b) (text unchanged)

F. (text unchanged)

G. In addition to the general requirements above, the following provisions apply to the specific categories of students indicated:

(1)—(2) (text unchanged)

[(3) A foreign national lawfully admitted for permanent residence in the United States may be considered a resident for tuition purposes if he meets the domicile requirements stated in this policy.

(4) A foreign national lawfully admitted to the United States on a temporary, student, or visitor visa may not be considered a resident for tuition purposes.]

(3) An individual's immigration status may not preclude award of Maryland residency under this policy if the individual has the legal capacity to establish domicile in Maryland.

[(5)] *(4)* (text unchanged)

[(6)] *(5)* (text unchanged)

H.—K. (text unchanged)

BRENT M. JOHNSON
Executive Director
State Board for Community Colleges

[Md. R. Doc. No. 82-R-439-P. Filed at Div. of St. Doc. Sept. 14, 1982. Filed at AELR Comm. Sept. 17, 1982.]

Title 13C
STATE BOARD FOR COMMUNITY COLLEGES

Subtitle 01 GENERAL POLICIES

13C.01.01 General Regulations

Authority: Education Article, §16-104, Annotated Code of Maryland

Notice of Final Action

Notice is given that on December 7, 1982, amendments to Regulation .04 under **COMAR 13C.01.01 General Regulations**, were adopted by the State Board for Community Colleges, pursuant to Article 76A, §12(c), Annotated Code of Maryland. These amendments, which were proposed for adoption in 9:20 Md. R. 2050 (October 1, 1982), have been adopted as proposed.

Effective Date: January 2, 1983.

BRENT M. JOHNSON
Executive Director
State Board for Community Colleges

[Md. R. Doc. No. 82-R-450-F. Filed at Div. of St. Doc. Dec. 10, 1982.]

Subtitle 01 GENERAL POLICIES

13C.01.01 General Regulations

Authority: Education Article §16-104, Annotated Code of Maryland

Notice of Final Action

Notice is given that on December 7, 1982, amendments to Regulation .10 under **COMAR 13C.01.01 General Regulations**, were adopted by the State Board for Community Colleges, pursuant to Article 76A, §12(c), Annotated Code of Maryland. These amendments, which were proposed for adoption in 9:20 Md. R. 2050—2051 (October 1, 1982), have been adopted as proposed.

Effective Date: January 2, 1983.

BRENT M. JOHNSON
Executive Director
State Board for Community Colleges

[Md. R. Doc. No. 82-R-439-F. Filed at Div. of St. Doc. Dec. 10, 1982.]

Title 13C
STATE BOARD FOR COMMUNITY COLLEGES

Subtitle 01 GENERAL POLICIES

13C.01.01 General Regulations

Authority: Education Article, §16-104, §16-404, Annotated Code of Maryland

Notice of Proposed Action

The State Board for Community Colleges proposes to amend Regulation .04 under **COMAR 13C.01.01 General Regulations** as printed below. The intent of this amendment is to specify the policy and procedures for the projection and redistribution of community college enrollments for State aid purposes.

Estimate of Economic Impact

The proposed action has no economic impact.

Opportunity for Public Comment

Written comments may be sent to Brent M. Johnson, Executive Director, State Board for Community Colleges, Jeffrey Building, 16 Francis Street, Annapolis, Md. 21401, (301)269-2881. Comments must be received by February 2, 1983 at 4 p.m. No public hearing has been scheduled.

Open Meeting

This amendment was considered at a public meeting of the Board held December 7, 1982. All meetings of the Board, regular and special, are open to the public. Notice of the public meeting at which this action was taken was disseminated as follows pursuant to Article 76A §12(c), Annotated Code of Maryland: meeting notice and agenda sent to each community college president and community college board chairman, education writers of newspapers of general Statewide circulation, and others requesting inclusion on the mailing list for notice of Board meetings. In addition, notice of the meeting was also given in the monthly State Board for Community Colleges Bulletin, 4,000 copies of which are distributed Statewide.

Contact the Board office at the above address or telephone number for the time and place of final action.

.04 Community College Finance.

A.—J. (text unchanged)

K. Enrollment Projections. The Education Article, §16-404, Annotated Code of Maryland, assigns to the State Board for Community Colleges the responsibility to prepare and approve community college enrollment projections for State Budget purposes. In accordance with its statutory authority, community college enrollment projections shall be prepared and approved in the following manner:

(1) Before the development of the Maximum Agency Resource Ceiling (MARC), the State Board for Community Colleges shall provide the Department of Budget and Fiscal Planning with a preliminary systemwide projection of enrollment. This estimate shall be used for planning purposes in development of the next State budget.

(2) Enrollment Factors. During September and October of each year, the Executive Director of the State Board for Community Colleges shall discuss with each community college president the enrollment projection for that college for the succeeding fiscal year.

(a) The following factors shall be considered:

(i) The college rationale for its enrollment estimate;

(ii) Population trends in the college service area;

(iii) Opening of new college programs or facilities;

(iv) Historical trends in enrollment at the college; and

(v) Any other special factors or conditions of a local nature.

(b) Following this discussion, each community college president shall submit an estimate of enrollment for the succeeding fiscal year to the Board on Form SBCC-CC-9. Upon receipt of this information, further discussions may take place.

(3) On or before October 1 of each year, the Board staff shall develop proposed systemwide and individual college enrollment projections. These projections shall make use of the enrollment estimates received from the individual community colleges.

(4) Before the October meeting of the State Board for Community Colleges, the Board staff shall consult with the staff of the State Board for Higher Education and seek the concurrence of the Department of Budget and Fiscal Planning on the proposed systemwide projection.

(5) If concurrence has been reached between the Board staff and the Department of Budget and Fiscal Planning on the proposed systemwide enrollment projection, the agreement shall be committed to writing, and the Executive Director, at the October meeting of the Board, shall recommend approval of the systemwide and individual community college enrollment projections. Upon approval, the projections shall be submitted to the Governor for inclusion in the State budget.

(6) If concurrence has not been reached between the Board staff and the Department of Budget and Fiscal Planning, this fact shall be reported to the Board, at its October meeting. The following actions shall take place subsequent to the October Board meeting:

(a) The Board staff shall present the documented rationale for the proposed systemwide projection in further discussions with the Department of Budget and Fiscal Planning.

(b) If concurrence is not achieved, but the Executive Director determines that the proposed systemwide projection should be reduced, the Executive Director shall recommend to the Board, at its November meeting, approval of the reduced systemwide projection. If approved by the Board, the reduced systemwide projection shall be submitted to the Governor for inclusion in the State budget, and the proposed

projection for each community college shall be reduced by the same percentage.

(c) If concurrence is not achieved and the Executive Director determines that the proposed systemwide enrollment projection should be sustained, the Board and the Department of Budget and Fiscal Planning shall meet jointly with the Governor. If the proposed systemwide enrollment projection is reduced by the Governor, the projection for each community college shall be reduced by the same percentage, and the reduced systemwide enrollment projection shall be placed in the State budget.

(7) The State Board for Community Colleges shall advise each community college president in writing of the approved enrollment projection for that community college. This projection shall be subject to no further reduction unless the General Assembly, in the appropriations process, reduces the systemwide enrollment projection, in which case the projection for each college shall be reduced by the same percentage.

L. Redistribution of College Enrollment Projections.

(1) The approved enrollment projection for each community college as contained in the State budget is final for purposes of State aid to community colleges. However, each community college shall be afforded an opportunity to request a change in its approved enrollment projection in accordance with the following procedures.

(2) On September 15, December 15, March 15, and June 1 of each year, a community college may submit to the Board a request on Form SBCC-CC-9 for an increase or decrease in its approved enrollment projection. This request may be for the current fiscal year, the fiscal year next succeeding, or both.

(a) Redistributions Within Regular Appropriation. If any community college requests a reduction in its approved enrollment projection, these full-time equivalent enrollments shall be redistributed to those community colleges requesting an increase in their approved projections in proportion to actual college enrollments during the previous fiscal year. Any full-time equivalent enrollments remaining at the end of the fiscal year, after each community college has been fully reimbursed up to its approved enrollment projection, shall be allocated proportionally to each community college exceeding its approved enrollment projection, based on its actual enrollment during the previous fiscal year.

(b) Request for Supplemental Appropriation. On or before February 10 of each year, the Board shall determine, based upon actual and projected enrollments, whether additional funds are necessary for the current fiscal year. If the Board determines, utilizing the same projection process used for determining enrollments for the following fiscal year, that supplemental funds are necessary, it shall submit a request to the Governor.

(c) Distribution of Supplemental Appropriation. The request for supplemental funds shall be based upon college requests and Board approval. Colleges that request funds upon which the supplemental budget is based shall be considered first for distribution of any additional funds received. If the supplemental funds are reduced by the Board, the Governor, or the General Assembly, colleges requesting funds shall be reduced on a pro rata basis of the request. After all funds are distributed to those colleges requesting funds, any remaining funds shall be distributed to other colleges which exceed enrollments based upon the proportion of the college's actual enrollment beyond their approved budget.

M. Projections of Part-Time Credit Enrollment. In addition to the projections of full-time equivalent enrollment provided for above, each community college that is eligible to receive part-time credit student grants also shall project the part-time credit enrollment in accordance with the following procedures.

(1) Part-time credit student means the unduplicated number of credit students enrolled for less than 12 credit hours during the Fall and Spring semesters.

(2) Each community college, except Cecil Community College, Chesapeake College, Garrett Community College, and Wor-Wic Tech Community College, shall submit an estimate of part-time credit enrollment along with its estimate of full-time equivalent enrollment. Following review of these estimates by the Board staff, the staff shall present a systemwide and individual college projection of part-time credit enrollment along with the projection of full-time equivalent enrollment for approval by the Board.

(3) The college estimate of part-time credit enrollment will be requested only once annually and may not be subject to susequent request for increase or decrease on Form SBCC-CC-9.

(4) At the end of the fiscal year, any remaining funds appropriated for part-time credit student grants may be redistributed to community colleges exceeding projections of part-iime credit students based pro rata on actual part-time credit student enrollments.

(5) Funds appropriated for part-time credit student grants may not be transferred to other categories of State aid to community colleges. Any funds remaining at the end of the fiscal year, after any redistribution, shall be reverted to the State general fund.

(6) The projection of part-time credit enrollment approved by the Board is final. Supplemental funds for the program will not be requested.

(7) Funds will be allocated to each eligible community college, up to the level of its approved projection, based on certification of part-time credit enrollment reported on Form SBCC-CC-2. Each community college shall maintain enrollment records supporting part-time credit enrollments in accordance with Board policies.

N. All Payments Subject to Audit. The Education Article, §16-405(a)(4), of the Annotated Code of Maryland provides, "After the annual audit of each community college, any discrepancy between the payments made and the actual State share under §16-403 of this subtitle for the preceding fiscal year, shall be compensated for in the November payment." Payments, including those resulting from any redistribution, shall be made on the dates specified by statute. However, all payments, including those resulting from any redistribution, shall be subject to final audit, as provided above. The annual audit of each community college shall be conducted in accordance with Education Article, §16-409, Annotated Code of Maryland, and COMAR 13C.01.01.04C.

BRENT M. JOHNSON
Executive Director
State Board for Community Colleges

[Md. R. Doc. No. 83-R-005-P. Filed at Div. of St. Doc. Dec. 10, 1982. Filed at AELR Comm. Dec. 21, 1982.]

Title 13C
STATE BOARD FOR COMMUNITY COLLEGES

Subtitle 01 GENERAL POLICIES

13C.01.01 General Regulations

Authority: Education Article, §16-104, §16-404, Annotated Code of Maryland

Notice of Final Action

On March 1, 1983, amendments to Regulation .04 under **COMAR 13C.01.01 General Regulations** were adopted by the State Board for Community Colleges, pursuant to Article 76A, §12(c), Annotated Code of Maryland

These amendments, which were proposed for adoption in 10:1 Md. R. 52—53 (January 7, 1983), have been adopted with the non-substantive changes shown below.

.04 Community College Finance.

A.—J. (text unchanged)

K. Enrollment Projections. The Education Article, §16-404, Annotated Code of Maryland, assigns to the State Board for Community Colleges the responsibility to prepare and approve community college enrollment projections for State Budget purposes. In accordance with its statutory authority, community college enrollment projections shall be prepared and approved in the following manner:

(1) Before the development of the Maximum Agency [[*Resource*]] *Request Ceiling (MARC), the State Board for Community Colleges shall provide the Department of Budget and Fiscal Planning with a preliminary systemwide projection of enrollment.* [[*This estimate shall be used for planning purposes in development of the next State budget.*]]

(2) (proposed text unchanged)

(3) On or before [[*October*]] *September 15 of each year, the Board staff shall develop proposed systemwide and individual college enrollment projections. These projections shall make use of the enrollment estimates received from the individual community colleges.*

(4) [[*Before the*]] *On or before October 1* [[*meeting of the State Board for Community Colleges*]], *the Board staff shall confer and consult with the* [[*staff of the State Board for Higher Education and seek the concurrence of the Department of Budget and Fiscal Planning*]] *appropriate State agencies on the proposed systemwide projection*[[*.*]] *, as provided in the Education Article, §16-404, Annotated Code of Maryland.*

(5) The Board shall convert the projection of enrollment into a budget request using the statutory formula. In accordance with the Education Article, §16-404(c), Annotated Code of Maryland, the Board shall take the request computed above and shall submit it to the Governor on or before October 10 of each year. The Governor shall include the budget request in the State Budget for the next fiscal year.

[[*(5)*]] *(6)* (proposed text unchanged)

[[*(6)*]] *(7) If concurrence has not been reached between the Board staff and the Department of Budget and Fiscal Planning, this fact shall be reported to the Board, at its October meeting, and the following actions shall take place subsequent to the October Board meeting:*

(a)—(b) (proposed text unchanged)

(c) If concurrence is not achieved and the Executive Director determines that the proposed systemwide enrollment projection should be sustained, the Board [[*and the Department of Budget and Fiscal Planning shall*]] *may request that it and the Department of Budget and Fiscal Planning meet jointly with the Governor. If the proposed systemwide enrollment projection is reduced by the Governor, the projection for each community college shall be reduced by the same percentage, and the reduced systemwide enrollment projection shall be placed in the State budget.*

[[*(7)*]] *(8)* (proposed text unchanged)

L.—N. (proposed text unchanged)

BRENT M. JOHNSON
Executive Director
State Board for Community Colleges

[Md. R. Doc. No. 83-R-005-F. Filed at Div. of St. Doc. May 16, 1983.]

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